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LES PEUPLES AUTOCHTONES

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Montreal, Quebec

--- The hearing resumed at 9:14 am on Thursday, November 18, 1993.

**CO-CHAIR RENÉ DUSSAULT:** Good morning. I would like to begin by welcoming everyone. The Royal Commission on Aboriginal Peoples in Canada is resuming its day of public hearings with a presentation by the Council of the Atikamekw and Montagnais.

Without further ado, I would like to give the floor to Mr. René Simon, President of the Council.

Mr. Simon.

**RENÉ SIMON,** President, Council of the Atikamekw and Montagnais: Thank you, Your Honour.

Commissioner Robinson, Judge Dussault, it is obviously a pleasure for us to be here today to present our brief which deals with the status of negotiations, the status of land claims, and specifically the right to self-government.

Before beginning the presentation of the brief in question, allow me, on behalf of the Council of the Atikamekw and Montagnais, to introduce to you the members who make up the Atikamekw and Montagnais delegation.

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I will begin on my left by introducing Jérôme Mollen, an elder from Mingan and a former trapper; Antoine Mallec, from Natashquan, also a former trapper, representing the elders; Bernadette St-Onge, an elder from the Betsiamites reserve and also a former school teacher; on my far right, Pierre McKenzie, a former trapper, from Schefferville; Albert Connelly, a former trapper, from Weymontachie, from the Atikamekw nation; Daniel Vachon, former chief of the Uashat-Maliotenam reserve, a former trapper; at the back, here, Jacques Kurtness, negotiator on behalf of the Council of the Atikamekw and Montagnais; Ernest Ottawa, Atikamekw, former vice-president of the Council of the Atikamekw and Montagnais; Suzie Basile, a political science student at Université Laval, Atikamekw; Serge McKenzie, a law student at Université Laval, originally from Schefferville; Anne St-Onge, who works for the Council of the Atikamekw and Montagnais, originally from Betsiamites; and Jacques Picard, originally from Betsiamites, who works for the Council of the Atikamekw and Montagnais.

Your Honour, the way we are going to proceed today ... I think it is an area which is a fairly major concern

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for us; indeed, this is precisely what you were told a little while ago, about the claim of the Atikamekw and Montagnais.

The way we wanted to make our presentation can be summarized in three steps. Without officially reading the brief to you -- I think that the Commission has examined the content of the brief in question -- what we proposed to do this morning was perhaps to demonstrate, when we speak of the aspirations and expectations of the Atikamekw and Montagnais with respect to land claims, I think that we will do this through the voice of the elders.

I think that the brief was indeed written by these persons, who were consulted. We also consulted a number of supporting documents, in particular the submission which was accepted by the federal government and by the provincial government concerning traditional occupation of the land. I think it is all these elements combined which form the brief which will be presented to you this morning.

The second step is an update on the status of negotiations. Given the fact that the Council of the Atikamekw and Montagnais has been negotiating for nearly 12 years, and actively

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from January 1993 until June 1993, we shall present to you specifically the points that have been raised at the central table involving the three parties to the negotiation process.

Finally, we will present the recommendations of our organization with respect to the land claims.

To this end, various elders were invited to talk specifically about the brief, among other things, about traditional occupation of the land -- I think that this is a point which is fundamental for us with respect to our claim -- the expectations and aspirations of the elders with respect to this claim. We may also provide an update, differentiating between the experience of the elders and the current experience of the aboriginal communities, before finally presenting the perceptions or perspectives of young people with respect to the negotiations.

In short, that is the picture we would like to show you this morning and also show you, as I mentioned, the importance of the negotiations currently under way.

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Hence, to do this, I will begin with Pierre McKenzie, who will give you a kind of demonstration of the traditional occupation of the land by the Montagnais. At present, I will refer to a reserve, the Uashat-Maliotenam reserve, and also the Matimekosh reserve in Schefferville, and the occupation of the land by these people, which dates back to time immemorial. I think that Mr. McKenzie is a specialist in the field. We have already had the opportunity to make this demonstration to the deputy ministers of various Quebec departments, and I think that this was very positive -- at least we hope so -- for the Government of Quebec, the demonstration we made.

Hence, I will begin with Pierre McKenzie, who will demonstrate to you the traditional occupation of the land.

You have the floor, Pierre.

**PIERRE MCKENZIE, Elder, Council of the Atikamekw and Montagnais:** (translated from Montagnais) I am going to tell you about the route I used to travel through the bush from the starting point to the end, with all the forks in the route along the way. To begin with, I would like to greet everyone.

In the old days, we would travel into the bush

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from here, from the Moisie River. We travelled by motorized canoe. The first portage was a seven-mile portage. After that, we paddled. We would arrive at Tuatebeliu (PH), where I might mention there is now an outfitter called "Adam." This is used by rich people. This was the last place we would see white people in the bush. It was only when we returned the following summer that we would see white people again.

Now, today, if you continue on the same route as far as Fort Chimo, you will find outfitters and hunting camps throughout this territory, and white people are everywhere. The content of the land has been destroyed, the caribou and all the other animals that lived there, but in the old days this was not the case.

It was the same thing for our fathers. There was no waste. Our fathers, like ourselves, took only what they needed for their own subsistence.

This route I am describing, my first memory is that this was the route we followed to go into the bush with my brother-in-law Jean-Pierre. Do I have to tell you here the names of the various places we stopped, where the route forked off in



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different directions?

Here, at Tuatebeliu (PH), there is a fishing camp, as I mentioned, the club I told you about. Here, at Tuateveniu (PH) ... here, we fished, we speared salmon. This is the first portage, Uinbeobrukton (PH). It was the first time ... not the first time, but at that time we could only eat foods that we normally ate in the bush, that is, partridge and hare. We continued.

Here, we call this place Prameshan (PH). We would camp there for a day, long enough to catch the salmon we needed to continue our journey. We would dry the salmon to preserve it. We also dried some to use as bait during the winter. These were the customs and practices of our grandparents. Nothing was wasted. Everything we could get from the land was dried for preservation. The Indian preserved absolutely everything. For example, if he killed a caribou, he used everything: bones, stomach, lungs, marrow, everything, and there was absolutely nothing left over from the animal. Everything was put to good use.

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Here we are at Nibissis (PH). Here, after leaving Prameshan (PH), we would arrive at Kakatchat (PH). Here, we would head towards another waterway. We are still on the same river but we had to detour around impassable terrain. We would travel toward this other lake. Here, at Nibissis (PH), today there are two outfitters. There are three mountains here which we would portage around, but here again you will find another outfitter.

We would continue on into the bush. We would reach Kaudolstan (PH) here, from Hibissis (PH), at the head of the Nibissis (PH); you turn here, you continue by canoe and you reach Kaudolstan (PH). Ohetowa (PH) is a cliff; the name of this location comes from this topographical feature.

Today, you will find that all of these places have French place-names, but in the old days this did not exist at all; there were only the Montagnais place-names. That is why we sometimes have difficulty identifying places on these maps, because everything has changed. We used our own measurements because we

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travelled through this land on foot. We did not have any surveyors or measurements to guide us in the bush. We went by the time. We walked for an hour and we knew exactly where we had started from, at what time we would arrive, where we were going. That was our only measurement. If a person walks for a day, that person will sleep twice as much.

And we continued. We would reach Kaosakat (PH).

There is only one portage at this location. We would reach Senebilhivis (PH), and we could take another route, called Mitchinivi (PH). At the head of this river you can see fishing spears that are still planted in the ground. We had the ideal trees for making spears ... that is, canoe masts; we had the specific trees for making our masts.

There are three portages here; at the last and longest one, we returned to the Osek (PH) River and the Pecan (PH) River. We would reach Kaobaho (PH) ... isn't this Kaobaho (PH) here?

No, this is Kaobaho (PH) here. We continued by canoe. In the old days there was a store here. There was a Mr. Robertson who ran this store. Kaobaho (PH) was given that name because it is a pass.

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There's a portage here. You had to portage to reach the other river, to reach the Labrador, which we called the Kamsisiohivola (PH), now a river in Labrador. There is another portage here. You will see that there is a kind of hook here, and you continue. We continued by canoe, especially if there was no wind.

Here, at Opao (PH), there is a cemetery. There's an old story that a priest had arrived and that he baptized this place so we could bury our dead there. After he had blessed this spot, he told the Montagnais that if anyone died in the area, they could be brought to this sacred spot, and it would be the equivalent of burial by the sea; it would be just as religious. That's what he said, apparently. In the spring, anyone who had died was taken to this sacred spot to be buried.

Here, you are in Shuanipi (PH); this is what is now called the 186. There was a family that turned off to the right, to go to Konowak (PH). Along the way, each family could turn

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off to the right or the left, depending on where their hunting lands were located; we called them the people of the saltwater sea.

Here, at this location, we continued by canoe, depending on the winds, if the winds were favourable.

Here, you are in Shuanipi (PH). Here, there was another store. There were two white men who ran a store. Later, it was Laesenbi (PH) who ran this store; it was called "La Petite Cache."

Here, we crossed the falls, but here, at this location, there are now outfitters everywhere on the portage. We who saw this place in the old days, we would probably not even recognize it, because there are fishing camps everywhere.

Here, there are a railway and a road that cross. When we travelled through here in the old days, there were only portage trails. There was nothing else in the way of a road. You can see the change already.

Today, when I tell you all of this, I'm not the only witness of what has happened. All the people my age will give you the same testimony, and I am the spokesperson for these people.

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As a single witness, my testimony would probably not be worth the trouble, but when you look at the numbers we represent, it starts to be worth something.

Here again, we passed through the rapids. Usually, when we went through the rapids, it was with an oarsman.

There's now a railway mileage marker here, 44 I believe, and we continued by canoe. There is a place called Kaopataokas (PH) and Osahau (PH). At that point, there were other families that continued on to the left, into the bush.

Here, there were still other families. There were still families here. There were families everywhere ... the majority of the people in Sept-Iles turned toward this location and met the people from Betsiamites and the people from Netsirun, since we did not have only one camp when we were hunting and trapping. After setting the traps, after trapping in a location, we would change, we would move. That is how we met our brothers from Betsiamites and other locations.

You could not calculate the number of camps you

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could set up from your starting point since you were camping every day; every day you loaded your canoe and every day you unloaded your canoe, and you could not count the number of times we did this until we reached Schefferville. I can tell you that there are about 54 major portages, where you have to carry your canoe across land.

I had gotten as far as Osahau (PH). There are still more rapids here. There is another portage here, near the centre. This is the spot now called Esker (PH), near Manic. Here again, families went off to the right or the left into the bush. Those who went to the right would meet people from elsewhere. There is no place in this territory that we did not cover.

My speech is probably getting a little long-winded, so I'll come back to Esker (PH). There were families here. In the old days, before I was born, it seems that here in

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Esker (PH), at this exact location, this was the hunting territory of the McKenzie family, of the oldest McKenzie, his sons-in-law and all the daughters. They were left on this land, it was there that they raised their family and trapped and hunted. They travelled throughout this territory.

After Christmas, say, they went after the caribou ... because the caribou were getting scarce in the old days, and it sometimes took up to four camps, four nights, to find the caribou since they were so far away. Each person had his favourite spot to wait for the caribou; they knew the places where the caribou went. When they needed food, they could go to these places since they knew them already.

On the route into the bush, now, when you go to these places, there is already a snowmobile track; someone has already been there. In the old days, we, the Indians, made good use of the land. It was absolutely necessary to preserve everything on the land, since the medicine came from the land, the food came from the land, even all the hunting equipment came from the land, as well as the wood for making toboggans, fishing rods, drums,



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everything; even the stones were put to good use as weights for the fishing nets.

The government probably now believes that the Indians no longer use or no longer need this equipment, but the people in the government have never seen these things. The government officials say that the Indians no longer hunt and no longer need their land. Of course, the government believes them when the officials say that the Indians no longer need their land. The government has never seen this land, while we, we do not know their history, we do not know how they operate.

The government ... myself, I would say that we are the governments. It seems to me that it would be much better this way.

I will conclude my speech on that point and I will go on to Manic.

It is 75 miles from here to here. Here there is a dam, but here there is a portage and you continue in this direction and you reach ... here, there was an old airport, at the 46. That's where they brought in the machinery at the beginning of the Iron Ore operation. Here again, the land has been wasted. The government undoubtedly approved it, but if you saw the holes where they dug

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the mine, they have not filled in these holes. Yet, these gaping holes are dangerous; these holes are cut square, and it is dangerous now for the people who have stayed on the land. If you fall into the hole, you cannot climb out again because it is so steep. Yet, it could have been repaired.

But, I will continue. Here again, there are families everywhere, because this is the main route. It is the central line. It is the highway 138 of the Montagnais, I would say.

It is the main artery, the freeway of the Montagnais. Each one would turn off this route depending on where his hunting territory was.

We would run into these people throughout the year. This was also how marriages were arranged, through these meetings. The people from Northwest, the people from Natashquan, we met them regularly.

Here, we encountered the Cree. I left from here, and I continued on, and we would spend the fall here, at Oshuas

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(PH). We would trap here, we would set our traps, and we would continue to set traps here, as far as here and here. Here, at this exact spot ... wait.

At this exact spot, I met an Indian from Pointe-Bleue, named Manicush (PH), and he left from here. He left from the great Peribonka River and he continued along the Nutsekwen (PH) River, he continued along the Caniaspiscau. I met him on February 13; I don't remember the year, though. He was looking for marten. I told him that I caught some once or twice, but he was looking for a lot of marten because he wanted to stay in one place to trap marten.

We reached Fort McKenzie. Shall we change maps?

We reached this point. We went to get the mail, I would say. Here, you will find Fort McKenzie, a place we call Uteinuk (PH). Here, you have Manawan, as we call it. The people from Fort Chimo brought the mail by dogsled. We had to leave by March 10 to bring the mail back.

Here, we spent the fall. At this location,

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we spent very little time. We would trap some fur in order to make a little money. We had to get back to Sept-Iles in May because the mail had to be brought to the coast to be loaded on the Hudson's Bay Company ship, which was called the Naskapi. This was the mail from all the stores, the orders from the various stores at the Hudson's Bay Company trading posts.

With the advent of airplanes and radio we stopped transporting the mail. There were three of us who carried the mail in those days. There was Bastien Dominique, the father of Antoine Dominique. The two of them and his brother carried the mail. After it stopped, there was Dominique Grégoire. This is the path we travelled as far as Fort Chimo.

Here again, one time I travelled from Schefferville to another body of water as a guide for some Americans. We had two canoes, and there were four Americans. We travelled as far as Fort Chimo. That is why I tell you that I

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know this land like the back of my hand.

Thank you.

**JÉROME MOLLEN, Elder, Council of the Atikamekw and Montagnais:** (translated from Montagnais) I would like to greet you all.

We are here at Mingan. As Pierre said, we took this route to go into the bush. It would be a very long story if I went into the details portage by portage, but we travelled throughout this territory. The people had land near the sea, and we could continue much further up, as far as here, as far as this boundary of Labrador.

Here we met people from Northwest River and people from Sept-Iles. It was at this exact location that I met Pierre McKenzie. At this location here, the people from Northwest went as far as here, and the people from Natashquan came up and the people from La Romaine, they all came up to this area.

You will find traces of the Indians everywhere in this land, throughout this territory, east, south and west, you will find traces of people from everywhere, from

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Sept-Iles. How could the people not know each other, from the time they met, and we have the same knowledge of the land, all of us, as long as we're here.

We did not have maps for travelling through this territory. We did not need them. We did not have any. It was only through our sense of observation, through our education that we knew how to find our way through the bush, to find our routes, and we knew exactly the time it would take to reach a certain location. Our knowledge of the weather could also guide us along our route.

As far as food was concerned, there was no waste, and we had caches in many different places. If, sometimes, on the return journey, we needed something, we had already planned our return route during the trip in. We had provisions at various places along our route.

Everything was here. If I were to go into the details to describe what we could find in this territory, it would be a very long story. This is Indian land. This was where we

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made our living; myself, my great grandparents ... my grandfather was born in this place, my mother and my father were born in this place and my children too.

My children and my grandchildren will need this land. They will know how to use this land. Even if they do not use it the same way as me, they will know how to survive on the land.

I'm sure they already know what to do with it, because we have lived like our grandparents and our great grandparents. We did not need papers; our grandchildren will probably not need them either.

**ERNEST OTTAWA, Council of the Atikamekw and**

**Montagnais:** Albert Connelly is going to tell you about the occupation of the land by the Atikamekw, mainly in the Weymontachie area. This is an area which partly overlaps the Montagnais territory of Pointe-Bleue. He will begin his presentation at Pointe-Bleue, and tell you about his relations and contacts with other aboriginal peoples, the Cree and Montagnais from Lac-Saint-Jean.

**ALBERT CONNELLY, Council of the Atikamekw and**

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**Montagnais:** (Atikamekw language - no translation available for the first part).

(Translated from Atikamekw) That's why, a number of years ago, we would stay in the bush, at the place which is called Lac Hélène and Lac Chien (PH). That is where my father as well as my grandfather had their land.

I still remember today what my grandfather did in the days when he lived in the bush to hunt. He wasted absolutely nothing. He did not kill any animals for no reason. He would be careful when he went moose hunting. He did not kill the moose for nothing.

In the course of a year, over a ten-week period, we would kill about six or seven moose every winter. Every second month we would go moose hunting. Moose were scarce. There were lots of hares, partridges, as well as caribou -- they were plentiful in those days also -- as well as deer.

At that time, the land was full of game. We had no fear of running out of food. We could stay in the bush for



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months when I was young. There were times when we did not eat any bread or bannock (PH). In those days, we never encountered any white people.

Today, even last week, I went through there, my land. All of the territory of the people of Weymontachie is very poor today. Where I lived in my childhood, it is all developed; there are resorts and camps. Today, we see the mountains and the portages; there's only sand. The big lumber companies have cut down the trees. It is extremely poor when we look at it today.

They have built all the roads, all the camps. This summer we were not able to fish because everything was occupied. All our lakes and our mountains have been emptied by tree-cutting or because people are living there.

We are asking the government to allow us to occupy our own land. We have already asked this of the government. There is room for everyone, but we must also be able to go there, on our land, as we did in the old days, in my youth. We are capable

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of managing this land, for the future of the children. That is how I see it now, today. I would not like to see the present situation continue. Today, the mountain forests have been either burned or cut down.

In the old days, we could count how many moose there were, bucks or females. Today, in these same places, there is only sand; no moose tracks. I can say that there may be one or two moose on the territory. I say that there are no longer any moose.

During the winter, it takes us days and days to hunt, to find a few moose tracks. Perhaps in the future, in my opinion, there will no longer be any moose, because the land has been over-exploited.

I would like to see less moose-hunting in the future. That is what I see in my territory. I also see the beaver; for example, they kill beavers for no reason. Two weeks ago, I found a beaver lodge. The beaver was there, lying on the ground. They beat it to death and left it there. I kept the fur, but the meat was no longer good.

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That's all for now, but there are still many things to be said, there are still many stories to be told. Thank you.

**ERNEST OTTAWA:** Now, I will turn the floor over to Antoine Malec, who will address the commissioners and members.

**ANTOINE MALEC, Elder, Council of the Atikamekw and Montagnais:** (translated from Montagnais) I would like to extend thanks and greetings to all of you. I'm very pleased to be here with you today. I am originally from Natashquan. I am 60 years old. I am the father of 12 children and I have 23 grandchildren.

I will talk about my knowledge and my education. I never went to school, as our children do today, that is, French school. I learned everything on the land, and I was very young. By the age of 13, I was already independent and I knew how to work. I received this teaching from my father.

I am not alone in this situation. As you undoubtedly know, we had our university in the bush. There was a

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lot to learn from the land. The stories the previous speakers, my colleagues, told ... they all spoke the truth. You also undoubtedly know, you all know that we originated on this land, that this land was excellent, that it had everything. Our land was of such good quality, with everything it contained, and that is where we obtained all the education and all the instruction that a person could need to live.

Our fathers did not teach us to write, as is done today. It was only by practice, by observation. That is how we learned, and we were all raised the same way. We knew everything, the child knew everything: how to hunt, how to take care of others.

The child received his instruction from his land. We learned a lot of sciences from this land, good sciences, I would say.

You know, that may be why we are so good today. Perhaps you know this.

What Pierre told you, and my other friend, everything they told you is correct. It is regrettable, when one

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thinks about all these things, to hear these stories, the stories of our grandfathers and our great-grandfathers, how much could be gotten from the land before the strangers came. The instruction we received from the land was, in my opinion, excellent.

I will keep my speech short. You have an education that I will not deny, but I would like for us to appreciate each other's education as equal. Even today, when we talk about low-altitude overflights, which your government authorized ... they need to use our territory for low-altitude exercises. Today, if you could see what is happening there, you would find that it is really pitiful. I have been travelling through this territory for nearly 30 years. I will tell you just one fact.

In 1983, we held an assembly on the land, in the bush. It was late October. There were still eggs in the nests and there were certain eggs that were half hatched. The ducklings were frozen. What caused this calamity? It comes from the low-altitude flights. The mother of these ducklings was scared

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away from the nest when the low-altitude flights began. The eggs that were still in the nests all fell to the ground. How do you think animals and birds can live on this land?

I realized that one of our beliefs, from which we drew our instruction, was regarded with scorn. And today, when we think of our children, what will become of them? It is the same thing for you. When we talk about the environment, we will not be the only ones affected; you will also be affected.

You all know that children ... little ones, they are cute; it is true. If our little ones are cute, yours are also.

Perhaps we should think of them. It is true that we all need money, but money should not be the most important thing. I believe we place far too much emphasis on it. Perhaps you should tell this to your governments, you the voters, the electors.

You undoubtedly know that we say that it is our land. This land was given to us by the Almighty for us to be the

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guardians of it. But it often happens that the guardian is not even consulted. This does not look very good when the guardian of the land is not even consulted.

What we believe, even today ... I do not blame all the white men, but I believe you should warn your governments to be careful. We all know that we are not taken into account because there are very few of us, we are not the majority, but we still dare to give you the message.

What else could I add? The previous speakers have shown you the territory that we have covered over the years. We obtained our food, our sustenance from this land. It is all that we have. It is our only vision of the land. We do not know what the future holds, and you know that we have a land of great quality.

What I am going to tell you is that you should consider both kinds of instruction, the education each of us has received ... that we can work together so that together we can prepare a good future for our future generations.

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I do not completely understand everything that has been said, but what I see sometimes in the assemblies does not please me. When I see disputes, I say to myself that I hope that the same thing will never happen to us.

When we think about it, we can certainly take good care of our children. You also, we listen to you; we have listened to you in the past, but we don't always understand perfectly.

So who will be the spokesperson to say that we were the first inhabitants of this land and that you must take into consideration the respect we have for our animals and for everything that is on this land; we had great respect for it. You must surely know us and you all know that our hearts are in the right place.

The future, the future of our children ... they will undoubtedly not be able to use the land in the same way as us, but they will surely know how to use it.

I would like to thank you all, Mr. Chairman and the other members of the Commission, all the young people who are here, who have come to hear us, and all the other people listening as well.



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I'm going to add something else here, because I like to talk a lot. I am familiar with many different mentalities.

I have travelled to the other side of the ocean, to Europe, in Switzerland and a little in Italy and I visited Germany a little.

I've observed the way they live and I have spoken with them. They are also against discord.

Even today, when we discuss among ourselves, we discuss with those who are sitting across from us, the presidents, those who are called presidents, those who are in the aboriginal associations ... they should be listened to, because they also hope exactly the same thing we do.

So, I will say my farewells again, dear friends.

I would like for you to accept what we have said, and I hope that other meetings will be held, that the discussions will not end today.

The dialogue must be continued in order for an agreement to be reached.

First of all, the greatest respect must be accorded to future generations to continue the dialogue, and what we call respect should be applied to everyone -- such as the example

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you can draw from us, from our goodwill -- and then we can work together.

Thank you. I could have spoken to you for a day, but time is limited.

**RENÉ SIMON:** Now, I am going to hand the floor to a woman, who will present the message of aboriginal women in the context of our claims.

Mrs. Bernadette St-Onge, from Betsiamites.

**BERNADETTE ST-ONGE, Council of the Atikamekw and Montagnais:** (translated from Montagnais) I would like to address you, and I prefer to speak in Montagnais.

The role of women ... women were affected by everything that happened on the land, as women and as mothers of families. Take, for example, the flooding of the land, women were affected as much as their children; after all, it was the land where they were raised, it was the land where they were to raise their own children.

I have seen this, myself, with my own eyes, because we also had a territory, we had our camp. Everything was

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flooded, and I never saw any compensation for this flooding. Why was our land flooded? Because of Hydro-Quebec's hydro-electric dam projects. Without our being consulted, these projects were carried out, and we lost everything, everything that was on the land, hunting camps and equipment. On our hunting territory, there is now a town, Fermont. There was another town, Gagnon, which no longer exists.

I don't know what happened, what was bad about this land that it should be destroyed, but I can tell you that, as a woman and a mother, I was affected because I had my children to raise and educate.

Women had an important role on the land, not only in education, but in looking after everything. It was they who looked after running the household and especially education; they had to pass on the traditions, for example, such as the minor household chores that could be done on the land. They had to educate

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both the boys and girls, for example about religion, because this was something that was very important for us.

At that time, there was still the language ... the mother had to pass on this language. Children had to be taught this language from a very young age because that was the basis for all the knowledge they would use in the future. In our language, the names we give things are based on our observation of them, and this must be handed on as such to the children.

In the old days, there was a vocabulary for the land. On the land, women had to make everything the family needed: snowshoes, mocassins, cooking and everything. It was women who looked after all these things. There were no labour-saving appliances, as modern technology has provided. They had to manage on their own, and it was their knowledge that they handed on to their children.

Also, women had very great importance within the family. The Indians spent ten months in the bush and two months on the coast, which meant that the majority of their time was spent in the bush. It was necessary to plan ahead for those ten months,

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in other words, it still took considerable organizational skill to be able to plan for these long absences from the coast.

Aboriginal women practised all the occupations; they were teachers and nurses. They had to look after everything.

Women taught their children work and prayer, because in the old days we used to pray in our own language. They had to teach their children pride in their culture and their traditions, not to be discouraged, so that they would not feel humiliated. They had to be proud of their race.

That is what I have always believed, and I have always been convinced that I should be proud of my race, of my nation.

I have never felt less important because I was an Indian. I never felt marginalized by my origins. This was the main duty of women on the land. It was also important to demonstrate great pride in one's nature and to respect everyone. It was necessary to respect the children.

Exactly the same respect which white people call politeness was taught to our children. We also had our rules. We

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never called one another names. We spoke among ourselves, and had a very great respect for the elders. This was well known among our people, the respect for the elders. They were never belittled, because they were the bearers of our history, and we had everything to learn from them; it was they who passed on knowledge. That was the value of our elders.

There is another point that I would like to add.

Among the women, there were some older women who were called midwives, because we did not have any doctors in the bush, and there were women who had this knowledge. In French, they are called "sage-femmes," as you call them here. When we would go into the bush and a woman was pregnant, there was always a midwife nearby for the birth of the child. Everything was prepared. We lived nearby, together, that is to help this woman who was to give birth.

I know this situation because I went through it myself. I have lived on the land and I gave birth to a child who was delivered by a midwife. This child is still in good health today.

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In the old days, the women ... and even today, it is the same thing. One still sees women involved in education.

It is true that our children go to school, but we continue to pass on our values and traditions. I have seen and I still see women who continue this same teaching, as this was done in the past.

I believe that it is very important for us to safeguard this. We must not become discouraged and not deny our traditions and our values, even when it comes to food. It is absolutely essential that our children not lose these values and our language. We must absolutely preserve our language, so that we can speak as we spoke in the old days, what I call the true Montagnais language, and not borrow or exchange our words, which is entirely ... on the linguists, to modify our language.

This is a personal opinion I am stating. I do not think very highly of this exercise. I would prefer that my language that I have kept, the language that I learned from my parents be still the one and only language used in our communities. That

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is the importance that I place on our language, because I say to myself if this language disappears, we will be missing something essential, very important, and we will never be able to recognize ourselves again as true aboriginal peoples.

For example, in our community, in Betsiamites, where I come from, there used to be drum singers. Their songs were their dreams, which they interpreted. You could perhaps compare them to the singers with which you are familiar. These singers, who interpreted their dreams, interpreted dreams about hunting or animals. It was their own repertoire, so to speak.

Now, there are no more of these singers. We have lost this tradition because we didn't continue it. It was not passed on to the next generation. I don't know, perhaps we were embarrassed to pass it on, but in our community, at Betsiamites, there are no more. If there are any, they borrow someone else's repertoire, but I would say there are no longer any real ones.

I would say that one of the concerns of women is the preservation of tradition. I know the white world, I have associated with white people, I even lived for several years among white people. But, as an Indian, I still kept all the values that



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I was taught and the traditions, and I can still pass them on to the children, which I am doing. But one could say that sometimes they opt for the easy way, because of course the white way of life offers an easy life. It's not hard to adopt the white way of life; it's very easy.

Our way of life ... we create difficulties for ourselves, as people say to us. People thought that we were living in poverty, that we were living a life of suffering and poverty. For myself, I lived in the bush and I never had the impression that I was suffering or that I was lacking anything. I never experienced that in the bush. I was happy with what I had. The way I gained my subsistence was the only way I knew, there was nothing else.

This was what I wanted to say to you. My time is also limited. Thank you very much for listening to me.

**RENÉ SIMON:** Now, I will turn the floor over to Daniel Vachon, from Uashat-Maliotenam.

**DANIEL VACHON, Council of the Atikamekw and Montagnais:** (translated from Montagnais) I extend my greetings

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to you, members of the audience and Your Honour. I have already met them, it is true, in Sept-Iles and I am very happy to see them again today.

I spent a day with them, with the gentleman who is sitting near me. I know them. I did not come here without recognizing them.

I don't know whether I have been left enough time to say everything that I wanted to say to you. I don't know if you've left me enough time to be able to say everything I have to say to you.

What I have to say is a little different from what the previous speakers have told you. It is true that we have spoken of our bitter regret at the loss of our land, of the education that we derived from our land, the education of our children, of what happened when we were travelling in the bush, because in the past the Indian was self-reliant, and this is not the case today.

The Indian was self-reliant and he was proud; he was proud of his values, of his traditions, of his equipment, of his land. He was happy on his land. All the hunting equipment

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he needed he made himself. Nothing was given to him. He was not even given any money to purchase equipment. There was no government presence in any of the Indian's activities. They didn't even offer the Indians aid in those days. The Indian was so proud of his autonomy. That is why today you will see that he bitterly regrets this lost autonomy.

I will go back to the beginning, when the government arrived and, I would say, it deceived the Indian. Take me, for example. At the age of 10, I was on the land. I did not go to school. I went to school a little when we went back to Masteuhibe (PH), but I hid from school. You could say I played the truant. My parents, of course, kept an eye on me and asked me if I was going to school. I answered yes, but it was not true.

When they saw that I was resisting this kind of schooling, they told me that they were going to take me into the bush and that they would give me their own education. That is how I learned and I began to like it. Even today, I've not forgotten

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anything of all I learned then.

We were so well off in those days that we, as aboriginal people ... we were perhaps lacking a few things, I would say, because the first time that the government approached us and told us: "I'm going to educate your children; I'm going to pay you allowances; I'm going to give you a home; you will receive money every month" ... I'm speaking here of subsidies; this could be in the form of family allowances, old age pension, welfare. None of those things existed in the old days. That is what the government offered to the Indians when it sat down before them. This was a way of taking away their rights and their autonomy.

The Indians thought about it. At that time, we probably should have told the government: "Wait. We're going to think about it. After thinking it over, we can give you an answer."

We could have measured the value of our autonomy, of our rights, but there were no negotiations in those days.

Take for example, our grandparents, our parents and even ourselves, they always maintained the same point. It is our land. The land belongs to us. Even today, we repeat the same

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thing: It is our land. We have rights to the land. But there is nothing written. There is nothing on paper.

It is true that in the old days, the Indian did not have any of these things. He did not have papers. During my first term as chief ... and there is another chief who could testify about the same thing as myself. When I speak of a chief, I am referring to Paul-Emile Fontaine. We used to exchange mandates; the one who won became chief.

But there was nothing. The band council had no power, I would say, not even administrative. Now the band councils at least have administrative responsibilities. They have employees, consultants, advisors, everything they need to be able to put all the agreements on paper. Now, when the band council sits down around a table -- and it is the same thing for the CAM -- I believe that there is much less risk of error because now they have the tools to be able to negotiate, to be able to reach agreements.

At the beginning, when the government first approached the aboriginal peoples, when it sought to deceive the

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aboriginal peoples, it told them: "I'm going to build schools; I'm going to build boarding schools so your children can be looked after." They even prevented some of them from going into the bush.

"You will be fed even if you don't go into the bush," it told them.

But the children experienced difficulties, and these difficulties became more and more serious. And we could no longer find any one to help us.

They also told us that we would have houses. These houses, I thought they did not look very nice when the construction began. I believe that our houses were much more attractive and much more comfortable when we built them ourselves.

The first houses that we received from the government, I would say that they were the equivalent of chalets, because the Indians were in the bush during the winter, and therefore they built houses on the model of chalets, because the Indians returned to the coast only for two months in the summer.

That was how we began to recognize that there were flaws in what the government had promised us. The government

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moved us to the coast to take our children and educate them in its own culture. If what I'm telling you were to happen today, if they were seated before us as we are seated today before the Royal Commission, if there had been Royal Commissions in those days to assist us, I do not believe that the government could have made those promises to us. But we were ignorant, we did not know, we did not know what the future would bring. There was no way we could predict the difficulties that we would encounter in the future. This is what always happened. The Indian has always been deceived. That is how I see it.

But perhaps we should be careful not to say: "I don't want to have anything to do with negotiations. I will completely ignore the negotiations." The issues must be thoroughly examined. As the CAM and the band councils now say, we should inform the aboriginal people. Perhaps that is why our various initiatives take too long to get going, because our people are poorly informed.

We should inform all the people equally so that everyone has the same information. If I bring you back to this point,

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it is because in the old days we had absolutely nothing like that.

In the old days, the officials came and told us: "We're going to give you this; we're going to bring you that," and there was no one to ask questions or to try to say something else.

In terms of information, I say that we could go even further, go into the details. It is true that there is television and the other media, but we can always add to it, we can always say more.

The pride which the aboriginal people had in their land, the animals, the furs they could trap, if we compare this to today, we cannot begin this life over again. We cannot gain our livelihood from this old custom, I would say.

The resources which the hunters used to live off the land have ceased to exist since the construction of the dams and the schools, since the destruction of the wildlife. The fur trade, for example, this old custom, today, there is no longer any exchange of furs for cash. Today, if you have 10 or 20 pelts, you no longer know what they're worth because the price of fur fluctuates.



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That's what happens, that's what we are experiencing today.

Certainly, we will never say: "We're giving up this land." I often listened to the elders when I was chief, and I asked them: "What are we going to do with the land? How are we going to proceed?" They told me, the elders -- and today they still repeat the same thing -- "Go sit at the table, but be careful. Do not sell the land; do not give up the rights."

I've never said "Let us give up our rights." But I say that we should find a way, as the elders say, find a path for our future generations, regardless, so that in 100 or 200 years they, too, can continue to negotiate around the same table and so that if there is something which displeases them in those negotiations, they can reconvene to discuss again the things which displease them. We should also try to avoid writing that the rights are extinguished, to give the person the possibility of gaining his livelihood according to tradition if he wishes, that is, of preserving his autonomy.

We are speaking here of a vast territory, as the elders said. A territory which would be amply sufficient to

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raise a family. And even if he did not do it by hunting, he could find other ways of gaining his livelihood, such as through outfitters and so on, so that he could have the opportunity to provide for his family.

I believe that these are the avenues that we should be exploring. As I say today, it is our land, it is my land, but all that I see today is destruction, waste, rivers that are dammed.

There are lumbering concessions, and kilometres of forest have been destroyed.

I continue to say that it is my land and I am like a spectator, I'm watching. I maintain that someone who says "This is my land" should be able to defend his land as he sees fit.

Thank you very much for listening to me.

**RENÉ SIMON:** I will now invite Ms. Suzie Basile, an Atikamekw, to give her view of things as a young person.

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**SUZIE BASILE, Council of the Atikamekw and  
Montagnais:** Niaut.

Good morning, ladies and gentlemen.

In our community in Weymontachie, young people represent more than 65 percent of the population. Our population has doubled in 20 years. So for us, it is obvious that it is important to safeguard the aboriginal identity while promoting an education which is tailored to our needs. To do this, we need the elders, whom we consider to be an integral part of our life and not only guardians or rescuers of aboriginal culture.

The communities need our knowledge and our resources to safeguard the activities and values of the Atikamekw, which I do not consider traditional, because for us they are contemporary. We no longer want to be confined in reserves of two square kilometres. We want to combat the many social problems found in the communities. To do this, we must be independent and be able to develop ourselves.

With the intensive exploitation of the natural

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resources of Kitaskinau (PH) how can we survive? We want to participate in sustainable development. This development would be for the communities and territories, by the Atikamekw, for the Atikamekw.

I can translate this development for you in terms of our lost autonomy which we want to recover and which obviously requires a territorial foundation. The lack of jobs in the communities triggers an exodus of young people to the cities, and in the cities the situation is not pretty; we're too often victims of discrimination because of people's ignorance.

The ideal solution would be to have access to jobs programs for the communities and also transitional programs for drop-outs, which is a major problem in our community. We also demand the decentralization of powers from the federal government to the communities with respect to economic development, education, social problems and land use, which would create many jobs.

In short, that is the message I came to give you. Thank you.

**RENÉ SIMON:** I would now call as the last

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resource person, Serge McKenzie, a Montagnais from Schefferville.

**SERGE McKENZIE, Council of the Atikamekw and**

**Montagnais:** (translated from Montagnais - no translation available for the first paragraph) ... accept the invitation of the Atikamekw Council. I will refer here to the brief. I was pleased to have the opportunity to be part of the initiative and to be able to contribute the views of youth and to see now that finally young people are being involved in our negotiations.

I will keep my speech short. I will tell you something of my youth. I will tell you when I refer to the people of my community, everywhere ... I went into the bush with them. I know Pierre, who comes from Schefferville, Mesnabeo (PH), Nabessis (PH), Mesnabeo (PH), Mathieu André. When I was young, I spent time with these elders on the land in Schefferville and I talked with them a great deal to learn more about their life, their background, I would say, because I believe that it is from knowledge that we will draw our strength and it is on this foundation that we will build our identity ... speaking for myself, as an aboriginal person.

I learned the white mentality because I also

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had to go to school. That is how I was able to learn how to function in white society. After spending ten years among white people, I have learned to understand their situation, the things they consider most important. But white people must also do their share and understand our situation.

I have played sports, I have participated in all the activities which make up social life on the reserves. That's how I learned, from both the aboriginal world and the white world.

If I look at all of this knowledge, the way the elders defend the land, I am in full agreement with that because, as I said, that's where I draw my strength from. As Mehoelo (PH) said, we were the first people on this land; our knowledge is there; we derived our subsistence from it.

I was able to see ... I didn't see all the details, but after accompanying them on the land I saw with my own eyes. I accompanied my parents. Even today, my parents take part in traditional activities and continue to teach me, and it is from

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them also that I am still learning my language.

I am preparing myself to be self-reliant in the future. On the knowledge, I would say, of tradition ... I believe that it is on this knowledge that we, the young generation, will be able to rely to forge a better path for ourselves. When we refer to the land, that is where we derive our knowledge of self-reliance vis-à-vis our people, our loved ones.

Another thing, when we seek to safeguard our tradition, our culture ... today, I am speaking to you in my native tongue and I am very proud, because today it is only from there that I draw my strength. The young people must also think like me, to be able at least to preserve their language, because we derive everything from our language. When you have your mother tongue, you construct your path on the basis of your origins.

The Montagnais language, the Montagnais songs ... as Mrs. St-Onge said, our Montagnais songs, today these songs seem to be disappearing. But in the dreams that we interpret or in the new songs that you may have heard, we still refer to our land,

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to events or life on our reserves. I would say that it is our dreams of the present that we are continuing to interpret.

From that, I believe that you must be aware that we will continue to exist as a community. There are a number of young people who say: "We're experiencing problems. Please help us." I believe that is how we will find our path again, by preserving these same traditions, these same customs.

Referring to the negotiations, I believe that we will be able to develop ourselves in order to be able to safeguard our nation. I believe today -- and all the young people, I believe, share my opinion -- that when we speak of aboriginal rights which should be in the Canadian Constitution, as the Commission said, what is called the intrinsic right to self-government; this has always existed, but they never wanted to recognize it.

Even if the ministers, the Prime Minister and all the other premiers do not want to believe it, they will have



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to accept it sooner or later because we've been trying for years to secure recognition of our aboriginal rights. Why should this not be entrenched in this famous constitution? That is where we shall derive our autonomy and what will allow us to govern ourselves.

From these principles ... it is said that a government without territory is worthless. If we refer to the theory of the enclave, it will now be necessary to expand over a somewhat larger area. If we maintain the principle of the theory of the enclave, we will never be strong enough to succeed in imposing our authority over our land.

If we refer to economic development, these days, the situation on the reserves is pitiful, you will say. There are more young people unemployed than working. What frightens me somewhat when I look at economic development and the situation of young people is that if economic development does not keep pace with the birth rate ... I say to myself that the two go hand in hand, and I don't believe that at the end of the negotiations ... I don't believe that economic development will

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keep pace with the population growth, even after the negotiations are over. I believe that it is a long-term endeavour.

But if our rights are recognized, if we have a territory, I believe that we can already say that our development is assured. The young generations are coming. In a few years, they will also need to be able to take pride in their culture and maintain it, and demonstrate that they are a different culture and that they have other traditions.

Thank you very much.

**CO-CHAIR RENÉ DUSSAULT:** Well, I think that that concludes the first part of the presentation by the Council of the Atikamekw and Montagnais dealing mainly with the relationship with the land and the importance of the land.

We will recess the hearing for 15 minutes and we will resume at around 11:10.

Thank you.

--- Short recess at 10:55 am.

--- Upon resuming at 11:15 am.

**CO-CHAIR RENÉ DUSSAULT:** The Royal Commission on Aboriginal Peoples in Canada resumes its hearings with the

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presentation by the Council of the Atikamekw and Montagnais.

**JACQUES KURTNESS, Negotiator, Council of the  
Atikamekw and Montagnais:** Thank you, Judge Dussault and  
Commissioner Robinson.

At the beginning of the second part, which deals with the results of the negotiations and the proposals made by the various governments to solve the aboriginal issue, whether with respect to land, self-government or economic development, we on the Council of the Atikamekw and Montagnais thought it advisable to outline for you the status of the question regarding the land in terms of development, which, as the elders have mentioned, has taken place relatively independently of our control.

To this end, I invite our research director at the Council of the Atikamekw and Montagnais, Denis Brassard, to provide a brief outline.

**DENIS BRASSARD, Research Director, Council of  
the Atikamekw and Montagnais:** The purpose of the presentation is to demonstrate the extent to which the ancestral lands of the Atikamekw and Montagnais have been occupied and used over the years,

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thereby reducing the opportunities for aboriginal people to maintain their traditional activities and to develop as any society must.

The first transparency concerns the territory as a whole. Perhaps if we turned down the lights the people in the back could see better.

The territory covers an area of approximately 700,000 square kilometres. On the transparency, we have illustrated in green the main rivers that have been used by the Atikamekw and the Montagnais to travel through the territory. The orange and dark blue triangles indicate the location of the 12 Atikamekw and Montagnais communities.

With respect to the Atikamekw territory, to begin with, this territory is estimated at approximately 62,000 square kilometres, which is delimited by this outside line. We can see here the line representing the boundary described in the Royal Proclamation of 1763 and here the boundary of the James Bay and Northern Quebec Agreement, which therefore encroaches on the traditional territory of the Atikamekw. The hatchmarked area represents the beaver reserve which has been set aside for the three

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Atikamekw communities.

If we examine in terms of non-aboriginal occupation all the activities or occupation of the land for recreational purposes, we can see that this territory has been heavily used and occupied in recent decades. On this transparency we can see more precisely the ZECs (PH) [zone d'exploitation contrôlée = controlled harvesting zone] which total some 7,900 square kilometres, outfitters with exclusive rights, wildlife reserves, shown by hatchmarks on the transparency, totalling 3,000 square kilometres, and vacation homes, which are not illustrated but which occupy a considerable area, a portion of which are illegal.

With respect to lumbering operations, we can also see that almost the entire territory is occupied under one form of tenure or another by various forestry industries. This map represents the situation at the time of the forestry concessions; hence it dates back at least 10 years. The transfer has not been made for the CAEFs [contrats d'aménagement et d'exploitation forestière = timber management and cutting contracts].

The symbols shown are, first of all, the private

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forests, in hatchmarks -- you cannot see them very well -- which are located here and there, these blocks, which represent several thousand square kilometres. There is the Crown forest, which is represented by the vertical hatchmarks here. The other symbols concern the forestry concessions themselves. So, you can see that there is not a lot of room for aboriginal activities, whether forestry-related or other. The territory is almost entirely covered by this forestry tenure.

If, just for the sake of examination, we now superimpose these land uses, we can see that for all practical purposes the entire territory is occupied for industrial, recreational or commercial use; that resource-rich areas are virtually non-existent. Hence, rights have been conceded, to non-aboriginal persons obviously, which cover almost the entire traditional territory of the Atikamekw, not to mention other elements that we could obviously add, as I mentioned a little earlier, such as vacation homes and hydro-electric installations.

As for the Montagnais territory, which you can

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see here, the black outside line delimits this territory, 150,000 square kilometres of which is located in Labrador. Here, the straight line is the boundary of the Royal Proclamation of 1763. The hatchmarked areas are the beaver reserves where the Montagnais have recognized exclusive trapping rights.

A somewhat different phenomenon on the Montagnais side is administrative subdivision, or the municipalization of the land. The bright yellow boundary here delimits the main municipalities that are found mainly around Lac-Saint-Jean and along the North Shore, with the municipality of Caniapiscau in the middle. The Montagnais Indian reserves are identified by a dark blue triangle.

In terms of use for recreational purposes, we have identified a certain number of elements; for example, ZECs (PH) which total approximately 12,500 square kilometres, outfitters with exclusive rights totalling approximately 12,700 square kilometres, ecological reserves of approximately 900 square kilometres, vacation homes, estimated at approximately 8,600 legal occupations, and of course an additional number which are on the land illegally.

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In terms of forestry operations, the private forests are shown in dark green, the Crown forests are shown by vertical hatchmarks and the forestry concessions or CAEFs are shown in light green; more specifically, there is light green here and around Lac Saint-Jean. The Crown forest, of course, extends over the entire North Shore area. It is not currently exploited but could be if the market demands. This involves thousands of square kilometres, of course.

A phenomenon which also deserves to be noted -- I did not use colours here -- relates to the territory claimed by the Montagnais, which is the solid black line, and the boundary of the James Bay and Northern Quebec Agreement and the James Bay and Northeastern Quebec Agreement. Here you see a substantial portion of the lands covered by the James Bay Agreement, which are nonetheless part of the traditional Montagnais territory; there is a large part here, to the north of Mashteuiash, a little to the north of Betsiamites, and a very large area around Matimekoshe, Schefferville.

If we repeat the same exercise of compiling and



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superimposing as we did a little while ago -- it is fairly difficult to get the lines to match exactly; this is not entirely accurate -- what I simply want to illustrate is that the entire area around Mashteuiash, the upper North Shore, as far as the area around Uashat-Maliotenam, Sept-Iles, is an area which is extremely densely occupied and used by non-aboriginal people, where property rights, lumbering rights and rights to harvest wildlife have been conceded and where traditional aboriginal activities and development potential are very limited.

On the middle and lower North Shore, you can see that there is still potential for development given the low level of non-aboriginal occupation and use in this part of the territory.

There you have it.

**JACQUES KURTNESS:** This was not intended as an exercise in masochism, but rather to provide a small indication of the context in which we are negotiating. So far, you have an idea of what the land situation was in the days of the elders who spoke

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to you earlier and you have the current situation of land use.

Now, we will move on to the negotiations as such and the various aspects of these negotiations, as I was saying, with respect to the land and traditional activities, self-government and socio-economic development. To this end, I will call on my colleague Jacques Picard to speak to you about the land and traditional activities.

**JACQUES PICARD, Assistant Negotiator**

**(Montagnais Section), Council of the Atikamekw and Montagnais:** Good morning. I am a colleague of Jacques Kurtness. I am assistant negotiator for the Montagnais section at the central negotiating table. I will now speak to you a little about the elements of the negotiations, and among other things about the main issues that have been addressed to date in these negotiations. The issues have been land, self-government and economic development. These are the three elements I will discuss during the next few minutes.

To do this, we must set aside two major elements in these negotiations. We have not yet addressed the specifics of

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territory or economic development, nor have we addressed the size of the compensation that will be confirmed or agreed upon among the three parties.

Also, the exercise which has been carried out during the year has been an exploratory exercise among the three parties. We have endeavoured to formulate the principles that will guide the future agreement in principle, the elements that would be agreed upon by all the parties.

In this part of my presentation, I will set out the aboriginal principles concerning the land. I will do this quickly because time is running short. In doing this I will just state the titles of the principles without elaborating on them and I will refer you to the document we have made available here to the Commission.

The first principle which guided the exploratory work of the central table on land is the essential recognition of the aboriginal identity of the land. This principle is that the aboriginal peoples have always given an aboriginal identity to the land. There are also the historical changes that have influenced

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the relationship between aboriginal people and the land and which have endured through time; the aboriginal identity of the land is still present.

The second principle is the affirmation of aboriginal rights and jurisdiction over the land. This affirmation is translated by fair coexistence between aboriginal and non-aboriginal people. Aboriginal people must not be integrated into the white mentality. This affirmation implies that aboriginal people will have decision-making authority over development and that they will receive royalties on the exploitation of resources. These rights and jurisdictions must be set out in a political agreement.

The third principle is free movement and free access to the resources related to traditional activities. This principle is translated by free movement on the land, which extends to the entire territory claimed and is independent of government territorial jurisdictions. This principle is not restricted by resource extraction arrangements and respects the principle of resource conservation.

The fourth principle which has always guided

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the table on land and activities is the broader conception of traditional activities. The definition of traditional activities must not be limited solely to subsistence, but must be extended to cultural, economic, social and spiritual activities. Also, it must be recognized that there are not only trappers but that all the aboriginal users of the land must be recognized. We must also emphasize the principle of the qualitative approach to the land. This is translated by a qualitative approach which must be used in selecting the lands that will belong to the aboriginal peoples. This qualitative approach must reflect the dynamics of aboriginal land occupation and use, and we have summarily rejected the quantitative approach proposed by the two governments since it restricts this dynamic by creating lands with artificial boundaries which do not correspond to the aboriginal vision of reality.

The last principle is that the quality of the land must be ensured by sustainable development. Moreover, several elders emphasized this in their presentation. The sustainable

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development of a territory can only be ensured through integrated management of resources, that is, all the resources and all the users on the land must be taken into account and respected.

Finally, I will return to the working assumptions that have emerged during the six months of exploratory work at the central table.

To this end ... André, could you project the map of the Pomwe (PH) reserve.

We have tried to produce a graphic representation of this work. I will go over this very quickly. This is a graphic representation. We did not want to map directly on the territory because this was exploratory work, as I said, and does not yet have the approval of the communities; also, in order to avoid being criticized by the communities that we went ahead without consulting them and getting the approval of the communities.

What you see at the bottom, in blue, in purple, are the current reserves. Also, in the centre, what you see are

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aboriginal sites, or gathering places, or old trading posts and also burial grounds. The hatchmarked areas are areas where traditional activities are practised.

The first exploratory element that emerged is that we addressed the lands held in full ownership. These full-ownership lands would be essentially the current reserves expanded by adding contiguous lands or possibly reserves or lands outside, not contiguous to the current reserves. These lands would become full-ownership lands, and there would be the possibility of having the surface and subsurface rights.

The government of Quebec tells us that we have only the bare ownership and only aboriginal people can live on it.

On the other hand, it is clear that there will also be third parties who will be included in the expansion of the reserves.

The waterways in these expanded territories will be designated for priority use by aboriginal people but will not be aboriginal property. The terms and conditions will have to be

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agreed upon with the third parties who will be included by the expansion of these territories.

This is the first part of the lands, the first category of land, so to speak, lands held in full ownership. This would be the expanded reserves, lands that are held in bare ownership.

These lands will be transferred to the Government of Quebec and then ceded to the aboriginal people.

The second part is the conservation lands. "Conservation lands" means that these lands will be for the use of future generations. They would be for future generations of both aboriginal and non-aboriginal people. The agreements would have a duration of 50 years and would be reviewed every five years. On the other hand, there would be no major development on these lands.

Traditional hunting and fishing activities would be reserved on a priority basis solely for aboriginal people. At this point, research or educational activities could take place there.

To some extent, these would be similar to parks or what are called ecological reserves, but geared much more to future generations. Similar things already exist, for instance the Mingan



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archipelago and the future Saguenay marine park.

Hence, I would remind you that there will be no major development on these lands, traditional activities will be reserved on a priority basis exclusively for aboriginal people, and these lands would be governed by a 50-year agreement subject to review every five years.

The third category of lands that we formulated during our exploratory work is the multi-use lands. On these lands, the right to engage in traditional activities is extended to non-aboriginal people, although aboriginal people still have priority. There would be exclusive trapping rights and defined hunting rights for aboriginal people. This could involve a review of the status of the existing beaver reserves.

The management of these lands would have to be based on a common set of rules to be formulated by agreement among the parties, that is, codes of ethics or codes of practice for non-aboriginal people, versus codes of practice and hunting codes for aboriginal people, to produce what we call a common code of practice which would govern and regulate these lands. At that point,

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it would be necessary to review or revamp the rules harmonizing federal and provincial laws versus the aboriginal codes of practice.

This land would indeed be used for many purposes.

Hence, aboriginal traditional activities would not be restricted, but would have to be regulated by a common code which would harmonize the various activities on this land. Industrial activities could be allowed, but the aboriginal people would always have the right to have input in authorizing this kind of development on this land.

The other category of lands that we wanted to address and which is often raised before the government is aboriginal sites. Moreover, in the presentation of the first part, the elders often pointed out that there were aboriginal sites, that is, meeting places or gathering places or historic sites or even cemeteries. Hence, these sites should be under aboriginal management and jurisdiction. They would become historic and cultural sites for aboriginal people; hence aboriginal heritage.

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Finally, I will give you an outline of what a land agreement might resemble. In an initial scenario, we have the reserves, the lands held in full ownership, with their extensions, either contiguous or non-contiguous with the existing reserves; there are the aboriginal sites; there are the conservation territories, and the perimeter in brown; these are the multi-use lands.

To accomplish this we also need to see a development regime for projects on these lands. Therefore, it would be necessary to adjust the two regimes, provincial and federal, so that aboriginal people have real influence on the project evaluation and authorization process.

Finally, the last problem we currently have with the land, which would still be there after the agreement, is the problem of territorial overlap, that is, with the James Bay and Northeastern Quebec agreements and also the problem of overlap with Newfoundland. The province is prepared to solve the overlaps that existed before the signing of the framework agreement or the

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overlap problems created after the signing of the framework agreement. Hence, we are endeavouring to identify the possibilities for reaching solutions and compromises with respect to the agreement lands and the Newfoundland lands, because the Montagnais territory covers both agreements and Labrador.

This is a short summary of the work that has been done recently at the central negotiating table with respect to the land and traditional activities.

Thank you, and I will hand over the floor to Anne St-Onge.

**JACQUES KURTNESS:** Thank you, Jack. Before handing over the floor to Ms. St-Onge, it is important at this point to specify that on the reserve extensions, on the lands for future generations and the multi-use lands, the types of jurisdiction will vary depending on these lands, as economic development will vary depending on these lands.

Ms. St-Onge will present other elements of this aboriginal nervous system that will be reflected on the land, we imagine, following the negotiations.

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**ANNE ST-ONGE, Council of the Atikamekw and**

**Montagnais:** Thank you very much.

Good morning, Your Honour. My presentation will follow the same pattern as the presentation on the land; that is, first of all, I will talk about the aboriginal principles that have guided our work during the past six months, among other things, the exploratory phase and, secondly, I will talk about the working assumptions which are the result of these six months of work.

With regard to the aboriginal principles, these are the principles that the Montagnais and Atikamekw communities have put forward during certain consultations that were held. There are six principles.

One of the first principles, which is fundamental, is that any form of self-government must be based on land rights. I think that the demonstration was made this morning by the elders that land is fundamental; it is our source of life.

Therefore, any form of self-government must essentially be based on land.

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Also, we say that self-government is an intrinsic right and should be protected by the Constitution. This is an element which will be discussed further.

Thirdly, we say that exercising this right must give us powers but in a way that is compatible with Montagnais values. This is also a fundamental aspect for our communities.

We are also counting on the good faith of the parties concerned, not only on the aboriginal side -- that goes without saying -- but also on the side of the federal and provincial governments and their representatives, which should also go without saying.

We are also talking about local government. When we speak of self-government, we speak of local government. These governments must guide any form of self-government, and that is the basis of our claim. However, there may be groupings at a regional or national level according to goodwill or according to needs dictated by problems that may be encountered in the future. This is left to the choice of the local communities and governments.

We also talk about the necessity of establishing

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a Montagnais and Atikamekw constitution in order to govern everything that will affect these governments.

I cannot elaborate on all of these principles; I'm told that I must keep my presentation as short as possible. Like a good technician, I will try to do so.

When we speak of working assumptions, four major themes have emerged. Among others, there are three fundamental proposals. In terms of the approach that should lead to the attainment of self-government, there are four proposals. We also speak of powers; there are 13 proposals in this regard. Also, in terms of the general characteristics of aboriginal governments, there are five proposals. I will try to describe these very briefly.

At the fundamental level, it is certain that for the Atikamekw and Montagnais nations, we always speak of the intrinsic right to self-government. This is part of our working assumptions. What we need now is to have this recognized by the governments.

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With respect to the federal and provincial governments, the current constitutional context delimits self-government within the context of specific agreements with these governments. This is a constraint which we will also have to work with. However, it might be possible for the Atikamekw and Montagnais nations to benefit from future constitutional amendments which would be favourable to the aboriginal peoples and also to benefit from international declarations concerning aboriginal peoples which may be ratified by Canada.

In terms of the approach for attaining self-government, the emphasis is placed on the important principles which must guide our work ... that the quest for self-government must always be pursued in parallel with the comprehensive land claims.

However, there are still some snags, I would say. Among other things, we are told that there is no constitutional protection of the self-government agreement. The self-government legislation adopted by the federal and provincial governments is separate from legislation on land claims.



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It must also be anticipated that the Montagnais and Atikamekw aboriginal governments will exercise their powers gradually in accordance with the wishes and capabilities of each community and always while respecting the wishes of the people. It is also said that the laws of general application and the Indian Act will continue to apply until special legislation enacting the agreements is passed.

With respect to the powers of aboriginal governments, we spoke a little while ago of full-ownership lands and also of the lands outside the full-ownership lands. We speak about the powers of the aboriginal governments within these full-ownership lands -- these powers will have to be defined by the aboriginal governments -- also, over all the individuals residing on these full-ownership lands.

However, we also talk about rights that will have to be defined on the lands outside the full-ownership lands; I am referring in part to the presentation made by Mr. Picard a little while ago. We speak, among other things, about the activities practised by the Atikamekw and the Montagnais on these lands outside

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the full-ownership lands.

But we also talk about co-operation with the other political structures on the lands that will have to be put in place or at the very least we will have to think about putting into place with our hearts in the right place as Mr. Malec said this morning. We also speak of the powers that will enable the Atikamekw and Montagnais to protect and promote their lifestyle -- this is extremely important -- to promote and protect their cultural identity but also to ensure their spiritual, social and economic development.

If we speak of powers, there is an entire list of powers depending on the areas in which they may be exercised. I could simply say that there are areas in terms of personal services, for example social and health services; we talk about resources also, management of these full-ownership lands; we talk about aspects of aboriginal distinctiveness; we talk about language, culture, values.

We also talk about community services, hence everything which affects community life in the current reserves, among other things, water and sewage systems. I will not elaborate further on this

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point.

In the last part, we talk about the general characteristics of aboriginal governments. We talk, among other things, about 12 local governments, since there are currently 12 communities that make up the Council of the Atikamekw and Montagnais, but, as I said a little while ago, with the possibility of groupings at the national or regional level. We also talk about democratic and responsible governments that will have genuine legal status to perform legal and administrative acts, finally, but which will have, among other things -- this is extremely important -- the duty of accountability, I would say, vis-à-vis the populations and also vis-à-vis the funding institutions.

We talk, among other things, also about a point that still remains to be discussed; we say that the Atikamekw and the Montagnais will be able, for the sake of fairness and all that, to gradually contribute financially for the services received from their government, from their institutions and, if applicable, from the other governments. But this is still a point which will have to be discussed and decided by the communities and by the aboriginal governments at that point. It is not up to the provincial and federal

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governments to come and tell us how to run our own government; it will be up to the communities to do this.

The last point, we talk about aboriginal governments that will have to look after the well-being of the Atikamekw and the Montagnais while respecting the Charter of Rights and Freedoms. I often say to the communities at this point that these governments will have the duty to respect each person as a whole and not to engage in discrimination as has often been the case, among others, toward women -- I had to say that -- and that this should now disappear completely from our governments.

Thank you.

**ERNEST OTTAWA:** I would like to greet you, Mr. Chairman, Your Honour Judge Dussault, and Commissioner Robinson.

I think that it must be mentioned that, as the Atikamekw nation, we have already made a presentation before the Royal Commission last year, on December 3. You spent a whole day with the Atikamekw nation in the community of Manawan; therefore, there have already been more specific presentations from the

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Atikamekw nation.

I am addressing you mainly as the former negotiator for economic development issues at the technical table on behalf of the CAM. We worked on the basis of the current situation in our communities and we also worked in accordance with the prospects envisaged by the Atikamekw and Montagnais communities with respect to economic development.

To very briefly sketch the demographic situation, we are a very young population. Young people under 25 account for 60 percent of the population. Our households are also large in comparison with Quebec as a whole, that is, an average household is made up of 5.4 persons, that is the size of our households.

If we look at employment and income in Atikamekw and Montagnais families and communities, the labour force participation rate is between 10 and 35 percent, depending on the community. In Quebec as a whole, the labour force participation rate is 55 percent.

Again depending on the community, average family income among the Atikamekw and Montagnais ranges from \$9,300 to

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\$27,000, while the average household income in Quebec is \$34,600. Hence, the gap is very wide if we also consider the size of households. The average size of households in Quebec is 3.1, I believe.

Depending on the community, approximately 32 to 58 percent of household income comes from government transfers, while for Quebec in general government transfers represent 13.2% of income.

With respect to the situation of businesses and services among the Atikamekw and the Montagnais, it can be pointed out that there are still 242 businesses; generally speaking, there are currently 242 businesses in the Atikamekw and Montagnais communities.

If we look at development prospects, there are approximately 198 projects that have been identified in the Atikamekw and Montagnais communities; that is the total number. The tertiary sector is the sector where the greatest number of projects were identified: 169, compared to 10 in the primary sector and 19 in the

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secondary sector.

There are several aspects to the economic development problems facing the Atikamekw and the Montagnais. One of these is the financial aspect -- that is, the capital required to start up businesses -- cash flow, credit, and financing programs are inadequate relative to the aboriginal context, limited funds, guarantee problems; these things are under federal government supervision. There is also another problem aspect, and that is training. There are major deficiencies in knowledge, resulting in dependence on outside resources. There is a great lack of understanding about drawing up business plans, financial follow-up and supervision.

There are also the structural aspects. Programs and procedures are cumbersome and slow. Programs are designed more from a bail-out than a genuine development perspective.

There are also various problems, such as the negative perception of entrepreneurs, the lack of support of aboriginal businesses, whether private or community-run, by the

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population, and this creates large capital outflows. We also have great difficulties with the Indian Act, because of the tutelage aspect of the Indian Act. There is also the question of space, the very limited area of most of the Atikamekw and Montagnais reserves.

Those are the economic development problems that we face.

At the technical table dealing with economic development issues, we nonetheless worked on the basis of principles.

We formulated several principles at that table. One of the principles put forward was that the general development of the Atikamekw and Montagnais communities depends on genuine economic development possibilities based on an adequate territorial foundation. I think that the elders who preceded us were fairly specific about the land, the importance of the land and its resources.

The other principle is that the Atikamekw and Montagnais communities must have the powers necessary to plan, control and carry out their economic development. There are a great



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many points that relate to the issue of self-government and land.

There is also the fact that economic development funds must be distributed so as to reinforce the organizations working at each level, whether local, regional or national, in accordance with their respective mandates. There is also the following principle: there is indeed some economic catching-up to do in our communities -- that is, in terms of job creation, raising the average income, reducing dependence on government -- all of this from an aboriginal perspective.

There is also the sixth principle, which concerns education, that is, developing education on economic issues and manpower training. When we talk about economic development, the human aspect is very important; hence, we have to place a lot of emphasis on this aspect.

With respect to the working assumptions, I do not think it is necessary to list all the working assumptions that have been proposed by the governments, but we may mention that on the government side there are ways of analysing the context of an

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economic settlement; that is, the cost must be examined from two perspectives.

There are the non-recurring costs, that is, costs that are paid only once. These costs are related to the payment of compensation, to the value of the land that would be granted and the funds that would be earmarked for economic development. When we speak of funds earmarked for economic development, there is an entire package of economic development funds that was proposed at the table.

There are also the recurring costs. Recurring costs concern the annual or multi-year funding of the operation of institutions or of an aboriginal government that would be agreed upon through negotiation.

It is solely from these two perspectives that governments contemplate reaching a settlement of our claims in the matter of economic development.

This covers, in a very general way, the discussions that we have had at this table. Thank you very much.

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**JACQUES KURTNESS:** Thank you very much, Ernest.

We have seen the issue of land and traditional activities. We have also seen the issue of self-government on these same lands, and also the avenues for attaining economic development, provided certain conditions are met.

Thirdly, we will address the elements of the negotiations which could be modified in order to accelerate the settlement of these negotiations, so that the legitimate claims of the Atikamekw and Montagnais communities can be addressed in a more fair and equitable manner. We shall now move on to that part.

But first, I would like perhaps to summarize briefly what the elders said.

Basically, regardless of the people concerned, whether it is Quebecers, Canadians, Senegalese or Australians, every person on earth has to earn a living. That is what the elders said: "We earned our living on the land." The current drama, the situation of the aboriginal people, is that we are being asked to earn our living on a reserve, that is, in an area which represents, according

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to the Jesuits' phrase, a reduction, the territorial reduction.

As the elders pointed out, earning one's living is more than food; it is more than food for the body, it is also food for the spirit, food for the mind and food for the personality.

It is also important, after earning one's living, to be able to pass on our values to future generations. The sense of direction is not learned on a balcony, it is learned by travelling across the land. The observation and experience of animal life, that is learned on the land. The knowledge of biology and animal dissection, that is learned by hunting, by arranging the skins, by working with the food that is provided by the animals. Likewise, botany is learned by having access to plants. In the same way, handicraft skills are learned by working with the raw materials that come from the land.

The skills of sharing, whether collectively

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or between individuals, and the personal identity of aboriginal people come directly from the land, like the water comes from the spring. Self-control, kindness, as Antoine said, come from mutual assistance on the land. Respect for the land and sadness at its devastation can only come from one who sees its daily consequences.

So, it is important to know that earning one's living and passing on one's values are major elements of the negotiations. This is what has been called aboriginal identity with the land. But since we also live with the reality of occupation of the land, as has also been presented, we must also develop our institutions to ensure that these values endure so that self-government reflects our identity and that one day we can again earn our living from the land; through hunting, fishing and gathering, of course, but also through outfitters, through relations with visitors from other countries who may be interested in coming to see how the aboriginal peoples occupied this land and sharing with them the aboriginal knowledge of the land. That is why we talked

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about land for future generations, conservation lands.

There is also the possibility of earning a living through outfitters, ZECs (PH). In a word, Quebec will share with the aboriginal peoples the institutions it has also set up. The invitation to negotiate, in the final analysis, is an invitation to share, and that is what we have presented to you today, these are the rules that will govern that sharing, our desire for access to the land. We do not want to see the nervous system of our communities cut off from its base. We want development to emerge from within our communities, not in the form of transfer payments from the outside.

The other element that I would like to mention in conclusion is that the polls that were conducted by Angus Reid, in December 1992 and in January 1993, closely reflect the situation of life on the reserves, that is, that perceptions of aboriginal people in general are based on their portrayal in the news media, on the collective unconscious, on Canadian history textbooks and on American movies.

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To give an example of these polls that were done following Charlottetown, 71 percent of Quebecers and Canadians consider that the priority of aboriginal people should be alleviating poverty; that is because they see us within the boundaries of a reserve. Seventy-four percent think that aboriginal responsibility for social welfare should be an objective. Assistance to aboriginal businesses should be a priority according to 68 percent of the population. Sixty-two percent think that social services should be improved. Fifty-four percent are in favour of municipal-type powers. Eighty-nine percent think that the same principles should be followed as for the other levels of government.

So, as I was saying, the priority is placed on social problems because the perception that non-aboriginal people have of aboriginal people is that they live on reserves, and what they see of aboriginal people is what happens in the urban context, that is, near urban areas, people who live on reserves and who do

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not know the life which the elders described earlier, that is, the life on the land.

An important element, perhaps, is that 47 percent of Quebecers and Canadians believe that the Royal Commission will find solutions to the problems of aboriginal peoples.

Given our dissatisfaction with these polls, we conducted our own poll with the assistance of the polling organization Léger & Léger. In this poll, instead of talking about aboriginal people in general, we talked about Montagnais and Atikamekw in particular. As you know, when one talks about aboriginal people, people tend to think of the Cree, who may have been more publicized, or the Mohawks, who have been involved in more controversial events, if I may use that expression.

In addition, in our survey, we asked the opinion of Quebecers, of course, but also the opinion of aboriginal people, to study the inter-relations and reciprocity in attitudes.

To give you something of an idea, when we asked Quebecers who live near reserves how they would describe their relations with the Montagnais and the Atikamekw, we discovered that 80 percent of Quebecers said that their relations with the Atikamekw



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and the Montagnais were good, and this was reciprocated among the Montagnais, 74 percent of whom said that their relations with Quebecers were good, and the same was true for the Atikamekw.

The Wendake Hurons are considered one of the nations closest to Quebecers, since they are, of course, located near the Huron village, with 28.4% who consider that it is the population closest to Quebecers. But, on the non-aboriginal side, they think that it is the Montagnais who are the closest to Quebecers, at 33.8 percent. We, the Montagnais, our figure is 15.1%; so we have a little work to do in this regard.

Also, with respect to the land, that is, rather, whether the outcome of the negotiations should be more land, more autonomy or financial compensation, financial compensation was ranked last by both Quebecers and aboriginal people, which runs contrary to the government positions. Moreover, people, both Quebecers and aboriginal people, believe that money will not solve

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the aboriginal problem; the problem goes much deeper than money. Aboriginal peace cannot be bought with money.

For the aboriginal peoples, of course, land is a major key to their development, while for non-aboriginal people, it is self-government. On the other hand, in both groups, there is a certain reciprocity; the margins of variation are not very great.

Both groups see themselves as partners and associates in economic development on the land in proportions of about 50 percent. Also, both aboriginal and non-aboriginal people think that the spin-offs of such an agreement will be useful to both communities, whether it is the Montagnais-Atikamekw or Quebecers, in a proportion also of approximately 50 percent.

Another major element is that 43 percent of aboriginal people believe that nothing would justify the extinguishment of their rights, although land sharing could mollify some of them. On the other hand, Quebecers, for their part, feel that self-government should extinguish their rights.

The sources of funding of aboriginal governments

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should come from resource royalties and taxes collected by the aboriginal government itself.

You have all this information in the documents submitted to the Commission.

I will conclude by saying that 52.9% of the population is optimistic about the outcome of these negotiations on the Montagnais-Atikamekw side and 51.8 percent on the part of Quebecers. There is a mistake, however; instead of optimistic it should be pessimistic.

Thank you.

Now, I think that the Commission had some fairly specific questions to ask us, that it wanted to discuss, and the people who are with me here are ready to address them, perhaps in a less formal manner than so far. If my memory serves me rightly, it is the whole issue of the extinguishment of rights that they perhaps wanted to discuss and the proposals that have been submitted, the trusteeship role of the federal government, elements which I think are in the mandate of the Commission itself.

**CO-CHAIR RENÉ DUSSAULT:** Thank you, Mr. Simon, Mr. Kurtness. I would like to thank all those who, in one capacity or another, took part in the presentation this morning before the

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Royal Commission and, we hope, also before a certain number of Canadians watching these hearings on cable television. I believe this has been a very useful exercise for everyone.

I would perhaps like to say at the outset that we have had an opportunity to hear many presentations dealing with land claims across Canada from nations that have signed treaties and others that have not signed treaties. It is always extremely effective and eloquent when one sees a demonstration based on reality, on the land and on the experience of the aboriginal peoples.

I would also like to say that there has been nonetheless a measure of progress in Canada in terms of land claims.

Settlements have been reached, despite major difficulties, in the Yukon and the Northwest Territories. There has also been the creation of Nunavut and the settlement that was reached at that time.

I think that when we look at this morning's presentation, we can only conclude that very significant progress has been made compared to a year ago, when the Commission met with

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the Atikamekw at Manawan and the Montagnais at Uashat and Maliotenam.

Having said this, we are aware that the problems along the way to a settlement are still considerable, and one of these is certainly the demand for the extinguishment of rights in exchange for greater certainty about land.

On this point, there are many aboriginal nations that deemed this to be in their interest and have signed. The problem is often one of follow-up and adaptation in order to take changing situations into account. However, the fact remains that this is a stumbling block that has caused considerable delay in settling land claims and consequently also a delay in discussing the issue of self-government, because, if we disregard the reality in our cities, which must be examined in its own light, combining the discussion on self-government with land claims is obviously much more logical and could well enable both sides, governments and aboriginal nations, to get to the heart of the matter and produce

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a settlement that is much more meaningful.

Perhaps, since it is not the Commission's mandate to become involved in the negotiation of every land claim in Canada, be it specific or comprehensive, but rather to examine the process, I would like, very, very quickly perhaps, to ask a few questions in order to clarify the presentation that was made on the status of the situation and then to move on to examine somewhat more closely the process and also this whole issue of the extinguishment of rights.

If I understand the process properly, which involves extensive properties beyond the reserve's property, there are conservation areas, etcetera, in the current proposals, is there an exchange in terms of the concept of ancestral or traditional territory? To what extent is the extinguishment of rights clause still present in this process? This is not quite clear from the presentation that was made this morning.

Could you perhaps quickly explain the current situation for us?

**RENÉ SIMON:** Perhaps, to get back to the first part of the question that was just asked, I think that in terms of

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the policy of comprehensive land claims as such -- I'm referring to the federal government -- I think that the policy exists as such at the present time, and I think that one of the main conditions or demands of the federal government's policy put forward for any aboriginal organization wishing to claim territorial rights, ancestral rights, is the principle of extinguishment of rights. I don't think they use the expression extinguishment of rights as such; the tendency is to talk more about the exchange of rights, of certainty.

In the case that concerns us at present, the Atikamekw-Montagnais, I think there is talk of a so-called exchange, but the approach we advocate is that we are trying, shall we say, to present a certain argument, the argument which was made this morning, that is, of traditional occupation of the land, of the concepts of sovereignty, concepts which also, in the context of comprehensive claims, lead to what the aboriginal peoples are

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seeking, which is precisely to devise forms of autonomy that can be handed over ... perhaps not transferred as such, because I think that in terms of the claim as such, what we're trying to obtain is perhaps a certain jurisdiction, as aboriginal people, over the land we are claiming.

Now, I know that from the federal government's standpoint, whenever the policy as such has been analysed, it has always been with a view to providing a certain certainty in terms of those rights. I believe that the problem, which is very complicated from the aboriginal perspective -- and I believe the elders mentioned this this morning -- is that we, as aboriginal people, are always required to prove that the traditional occupation was effective 100, 125 years ago, that the traditional occupation exists now. I think that is the complexity of the matter, namely in trying to get, at least on the aboriginal side ... to say: We must specify exactly what our rights are as aboriginal peoples.

I think that from the aboriginal perspective, the demonstration that was made this morning, is that the people say: "It is the land. We are the first occupants and we want to be given jurisdictions so that the aboriginal peoples will be able



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to administer the lands they occupy."

In the current context, my interpretation of this, as president of this association, is that there is a certain fear that is expressed by the aboriginal peoples more or less in the following words: "Ceding our rights is out of the question."

The way in which we want to carry on these negotiations is to obtain some form of formal recognition by the governments of our existing rights, our territorial rights and to ensure that aboriginal peoples are given the means to administer the lands granted to them, recognized as theirs.

That's the current context of the negotiations.

I believe that the elders raised this point this morning when they said: "For us, when we speak of negotiations, extinguishing our rights is out of the question." In other words, there's no question of extinguishing what aboriginal people feel are their rights, as aboriginal people, over the land they have always occupied. This is a fundamental point.

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I think that the question of certainty, for us, as Atikamekw-Montagnais, will be extremely complex because we see what has happened in other parts of Canada, the experience with the James Bay Agreement ... I think that our Cree brothers are increasingly trying to reopen that agreement.

I do not think that this is the approach advocated by the Atikamekw-Montagnais, in the sense of saying: "We are prepared to extinguish our rights." We are prepared to negotiate, we are ready to have our rights recognized, but there's no question of extinguishing our rights, rights which we, as aboriginal people, recognize as territorial rights, ancestral rights.

I don't know whether Jacques has anything to add to this.

**JACQUES KURTNESS:** I believe that what my president has just said, if I can summarize it, without necessarily doing justice to him, is that he is proposing to reverse the process.

Instead of asking us to extinguish our rights, there should a recognition of our rights to the land. Indeed, the extinguishment of rights clause is like a sword of Damocles hanging over us, as negotiators, hanging over our heads; the entire team senses this.

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It is clear that if Quebec had to negotiate with the federal government on a basis of extinguishment of its rights, I am not convinced that they would be at the negotiating table and the negotiators would probably be accused of selling out their land and their rights. That's what we risk daily sitting at a negotiating table on a basis of extinguishment of rights.

I believe that one of the key factors is to set this point aside if we want the negotiations to proceed. You have to proceed in the same way as you would with individuals, with people who are in conflict: we have to suspend our judgment, we have to listen and see what the parties have to say -- be it the federal government, the provincial government or us aboriginal people -- and also to see the will to resolve potential or existing conflicts about the land and also to see how the land will be divided up, taking into account those who use the land and those who, in a way, are rivals, whether they are existing outfitters, tourists, hunters, sports fishermen, etcetera.

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I believe there is a way of sorting this out in terms of space, in terms of the land. There is also a way of organizing this in terms of time. We don't have to hunt in the same place at the same time every time, at the risk of getting shot at, as they say. We can deal with this in terms of time and space.

If we get past this issue of setting aside the extinguishment of rights, we are better able to deal with the issues that concern us, issues of mutual interest. In addition, we could go about it in such a way that the extinguishment -- or the exchange of rights, to use the more modern terminology -- would take place at the end of the agreement, perhaps, once the governments have fulfilled their obligations under the agreement in question. This would certainly eliminate an element of mistrust and might put pressure on the governments to reach a settlement and to keep their word.

Another major factor, in my opinion, is that the lands, which in any event will have to be reappropriated by the aboriginal peoples, should be set aside. Even if there is no specific agreement on land issues, even if the status of these lands is not defined, they should be set aside because otherwise our

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situation would be similar to that of the Israelis. Israel occupied the land and then asked the Arabs to come and negotiate government autonomy afterwards, once the whole territory had been occupied. This puts us in a weak position and it is very difficult to change situations or to overturn government decisions that are contrary to our interests.

It is very difficult to undo what has been done, whereas if one had anticipated because one knew ... this is a fundamental element of mutual confidence. If they are serious about negotiating land claims, they should set aside lands for the aboriginal peoples and we would discuss the status of those lands during the negotiations. At that point, there would be fewer people affected by these negotiations.

This is a key issue because our claim is one of the first to be negotiated in the south, if I may use that term, in the sense that the lands are occupied. During the negotiations in the Northwest Territories, the Yukon and even in the James Bay territory, there were few outsiders in those areas. The federal

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government was therefore virtually alone at the negotiating table with the aboriginal people; there were no other parties involved.

In the case of our negotiations, the Quebecers are here as well and it is important to establish ground rules so that each party is respected in the negotiation process.

I -- maybe it's my optimism as a negotiator -- personally I think it's not a bad idea to look at the books of existing ZECs (PH) and outfitters. Maybe this could help us select those that are viable and, secondly, perhaps this could give us first option to buy back what currently exists in terms of land development. During a recession such as this, not everyone is able to survive on the land and the aboriginal people would certainly have a role to play in the land issue.

Another key issue is: given the fact that 80 percent of our people of working age do not have jobs, we must find some kind of job-creation mechanism, be it access to the land for hunting or fishing ... even if it's not infinite or indefinite,

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at least over a 15 or 20-year period in order to permit adaptation and technological transfer to our young people and to our communities so that they can move toward the management and administration of their ancestral lands.

This is more or less how I see it.

We should also agree on a developmental approach, that is, development should not take place suddenly, overnight, but rather should be spread out over time. We can begin with administrative powers, then move on to legislative powers, and then to executive powers, and, with all due respect, perhaps, finally, judicial powers.

**CO-CHAIR RENÉ DUSSAULT:** Indeed, since we are talking about legislative powers, that was one of my questions. During the current negotiations, there is some discussion, obviously, with reference to self-government, not only, ultimately, of administrative powers but also of legislative powers. Am I correct?

Discussions about education, for example, or health, are not limited solely to the distribution of services and management;

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they also cover legislative power over the territory of the Montagnais nation.

This brings me to another point. One of the questions which we must regularly wrestle with -- because this is increasingly part of the reality, especially in the south -- is: Under aboriginal self-government, how do you envisage the situation of non-Montagnais, if you will, who might be on the land and fall under the authority of the Montagnais government? Would those people have the right to vote for the government that would have an impact on them? This leads us to the tricky question of public government versus a more aboriginal government... I dare not necessarily use the word "ethnic" because I know that aboriginal people have policies of adoption, etcetera. It is therefore more a political concept.

So, could you tell us briefly how you see this because this is an extremely important issue. Any discussion of expanding the territory in order to provide resources and to create self-sufficiency necessarily involves extending that authority over non-aboriginal people in the territory and this immediately raises the question of the status of these people with respect to



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aboriginal governments.

**JACQUES KURTNESS:** It's obvious that our people accuse us of having had a fairly open immigration policy, but it's clear that our governments will also be governments that will accept Quebecers and non-Quebecers who are on the land. When you are a government, you have a policy of accepting people, and provided they respect those governments and adhere to those ground rules, they can be part of it. We would even be open to accepting aboriginal people from around the world who are living in refugee camps or who are victims of discrimination in their own country ... we would even be willing to accept them into our own territories provided they adhered to the ground rules of our government.

**CO-CHAIR RENÉ DUSSAULT:** Very specifically, then, you see white people on the Montagnais territory as having the right to vote in the Montagnais government; is that right?

**JACQUES KURTNESS:** Yes, that's right.

**CO-CHAIR RENÉ DUSSAULT:** This leads me to another issue. I have seen in the proposals, in any event, that there is a possible openness to the idea of a financial contribution

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by the Montagnais to their government and possibly to the services received from other levels of government. This is part of the current discussions, because these are principles of great concern to the general public.

**JACQUES KURTNESS:** I think that accountability, the principle of participation in one's government is a key issue.

Because we want a government, our actions must be consistent with our intentions, as they say. To date, I do not know of any government that has not taxed its fellow citizens.

**CO-CHAIR RENÉ DUSSAULT:** Now if we can get to the heart of the issue of judicial power, essentially, I would like, perhaps, to know a little more about this, about the justice aspect; this is an area that is obviously very sensitive and very close to self-government as well. I would like to know the Council's viewpoint on the administration of justice. How do you see this sector?

I understand that this is still being developed and I don't want to put the cart before the horse unnecessarily,

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but from another perspective, as a Commission, it is our duty to make recommendations to the government on the subject of justice.

I think that it would be worthwhile, if you have views to express on this matter, to do so this morning.

**RENÉ SIMON:** With respect to justice, I know that the discussions and talks that have taken place ... during the negotiations as well as during consultations with the band councils, with the Atikamekw-Montagnais people, that there were two possible approaches: an aboriginal approach, that is, aboriginal justice for aboriginal people as regards what affects our members as such, and the other component was shared justice as regards the third parties you just spoke of, that is, aboriginal and government concerned for the administration of a certain form of justice, shall we say, in the territory concerned.

These were the two approaches or two avenues advocated. However, I think that from an aboriginal perspective -- the proof has been provided -- there is some dissatisfaction with

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the decisions rendered by white courts of law in various areas, in various fields, as they relate to aboriginal people. That's why I think that the approach that was proposed precisely to improve this situation, so that some form of autonomy could be established and so that self-determination as well would be attained ... it was precisely to provide aboriginal justice, as I mentioned, and if there is a possibility of agreement on the territory claimed, a shared justice with the governments concerned.

I don't know whether Jacques has any other points to add to this.

**JACQUES KURTNESS:** There are a few issues that have not yet been brought to the negotiating table. Why, for instance, couldn't aboriginal people who go into the bush be officers on that land to catch those who are abusing the land, be they aboriginal or non-aboriginal people? They could then be guardians of the land, according to their tradition.

Furthermore, it is clear that justice is the main component of self-government, in my opinion, because it is through the justice system that the majority governments hand out

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their sentences to the minorities, isn't it? If you look out West, for instance, the figures are much more alarming than they are here: aboriginal people represent 10 percent of the general population but 50 percent of the prison population. Here, in Quebec, things have improved relatively, but Quebec's conservation policy has frequently been to arrest aboriginal people in the bush. We therefore hope to move toward a policy that is more complex than that. This is why we are talking about a common set of ground rules, harmonization with respect to the hunting, fishing and harvesting schedule and use of the land, be it in terms of time or in terms of organization of the land as such.

We obviously don't have all the solutions at this point. We are still studying the various options. If I look, for example, at what the Navaho people have done; they have family courts. The mere fact that the people speak in their own language, that's already an important point. Just being able to understand what the victim is accusing his assailant of and vice versa helps us to understand their mentality. It's difficult for a third party

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who does not have access to that experience to make an authoritative decision.

We might begin, for instance, with a family court; perhaps have our own parking tickets; that wouldn't be a bad start. Then, we could move on to other levels. I know that although we dream of having an aboriginal judge, there would have to be an amendment to the Constitution for this to become reality.

**CO-CHAIR RENÉ DUSSAULT:** I will not get into the debate on that point. I think not, because, across Canada, there are ten aboriginal justices in the provincial courts, provincial appointments, and there is also a fairly well known example in the Quebec Superior Court, Justice Réjean Paul, who is obviously an Algonquin.

Basically, all I can do is encourage you to continue studying this matter and I know that the negotiations under way provide an incentive to do this because these are major issues.

The Commission may submit an interim report on the issue of justice before the summer of 1994; we therefore welcome

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any additional suggestions on this issue. This is an extremely important area.

On the question of land claims, for us, it is obviously desirable for things to progress to some degree without us since there is so much catching up to do on the aboriginal issue.

All we can do is urge you not to wait -- and I believe it's very clear that this is not the case -- for the Commission's reports before moving forward on this issue. However, as I have had the opportunity to say, the question of extinguishment of rights is an issue which the Commission is examining at length and on which reports will be issued.

I believe we have had an opportunity to have a very effective presentation of the relationship of your people with the land and the importance of the land, but in terms of the question period, this has obviously had a certain impact on our time this morning. I would now like to ask my colleague Viola Robinson to say a few words and perhaps to raise a question or two.

**COMMISSIONER VIOLA ROBINSON:** [English]

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[English]

**RENÉ SIMON:** I'll try to answer Commissioner Robinson's question.

I think that the negotiation process as such -- I tried to explain it earlier -- is an extremely complicated one. As regards how we in the Atikamekw-Montagnais nation see things, I think there's still a long way to go on the issue of exchange of



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rights. I believe that the Atikamekw-Montagnais are currently very well informed both about the concept of international law and about what is happening outside Canada.

I had the opportunity to make a presentation to the Russell (PH) Tribunal in the 1980s, to make the same demonstration we made this morning, and I know that recommendations were made to the government, for instance on the whole issue of respecting rights, respecting the identity of the Atikamekw-Montagnais people.

As regards the comprehensive claims policy as such, how I perceive it, in the current context... this is 1993, there are treaties that were signed nearly 200 or 300 years ago; there are currently agreements that have been signed across Canada.

I think this is a political problem; my perception of it is political. We consider ourselves to be sovereign powers, we consider ourselves Indians occupying the land, the first occupants of the territory of Quebec and of Canada as well. Indeed, we know that 80 to 90 percent

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of the national territory is governed by a treaty or agreement.

I think that that's the dilemma, when I spoke of the complexity of the negotiations currently under way, our negotiations. I think there are all kinds of movements which could be perceived... from the standpoint of the Atikamekw-Montagnais, like Quebecers, who are viewed as nationalists vis-à-vis the rest of Canada ... we, as Atikamekw-Montagnais, we are considered as being nationalists within a Quebec framework. I think that all this is what makes the current negotiations so complex.

From our analysis of the negotiations, there appear to be two approaches that are currently being advocated: namely, that we, as aboriginal people, agree to negotiate within the framework of the Canadian context, within a Quebec framework and say: "Are both sides prepared to make concessions?" ... except that I think that there will also have to be a certain demonstration, particularly on the part of the Quebec government, that political commitment will be recognized, officialized in the negotiating

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process, which, in my opinion, is currently not the case.

What people in Quebec seem to be saying ... and I believe a number of briefs were submitted to various commissions, particularly within the framework of Quebec's right to sovereignty... because there were some people who were saying: "Well, the aboriginal people, that's all well and good; they have rights, except that they must be spelled out." I believe we tried to demonstrate this morning, when the elders were talking about the occupation of the land 50 or 60 years ago, that there were no white people, there were no non-aboriginal people occupying the land.

Then, we were forced to embark upon, to follow the policy -- I distinctly said "policy" because this is a federal government program -- of demanding our rights, of proving, as I told you this morning, of demonstrating that we were the first occupants of this country. I think it's quite frustrating for aboriginal people to work within this framework, to have to provide such proof.

I believe that a number of factors come into play. We, as aboriginal people, are currently forced to

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negotiate according to the federal government's policy; we are forced to negotiate according to the goodwill of the Quebec government, and in all this, I think that there is no recognition by the governments in any form whatsoever of our rights except that they say "You have certain historic rights which remain to be proven."

As I said earlier, we are currently living in a modern context and, I believe, it is extremely complicated for us aboriginal people to accept the procedure currently applied. My colleague Jacques spoke earlier of certain constraints -- the constraint of the policy, the constraint of the loans needed to conduct our negotiations; we are forced to go to the federal government and obtain loans in order to finance our negotiations -- and when something goes wrong, the government is there, like a sword of Damocles, to say: "do this" or "do that; otherwise, your funds will be cut off."

These are elements which, I believe, are quite frustrating, I repeat, for us as aboriginal people within the framework of the negotiation process.

In the words of Georges Erasmus, I believe it

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was, who commented: "I believe that the young people, the aboriginal young people of today are a time bomb just waiting to explode." We currently live on our Indian reserves; we consider ourselves aboriginal people, not Quebecers, not Canadians, but aboriginal people, Montagnais who have a land, a language, traditions, customs and values, and here we are trying to prove our identity on a land that belongs to us and to accept the policy currently put in place to negotiate rights. And the goal of this current policy is the extinguishment of our rights.

If absolutely necessary, I think we, as aboriginal people, can try to control our people by saying to them: "We'll try to obtain as much as we can as aboriginal people; we'll demand that the governments make concessions in the area of jurisdiction over parts of the land or over land which will be granted by the Quebec government and by the federal government." At the most, I think that the concept of extinguishment as such might be acceptable.

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I'm not saying that we accept the principle, but administratively speaking, if there is no other alternative, if there is no possible solution other than violence, then I think we'll be forced to play the game as a party involved in the negotiations and to take action to ensure that the expectations and aspirations of the aboriginal peoples are met -- maybe not 100 percent -- and also so that the expectations and aspirations of third parties occupying the territory are met.

I think that this is a game in which some compromises will have to be made on the part of both aboriginal peoples and the governments, but this game must be played, which is not the case in the current context of the negotiations with the Atikamekw-Montagnais. I think that the concept of the extinguishment of rights, exchange of rights, may be acceptable, provided that the political will is there.

**COMMISSIONER VIOLA ROBINSON:** [English]

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**CO-CHAIR RENÉ DUSSAULT:** I think that my colleague Viola Robinson has pretty well summarized the impression we got from the meeting this morning with the Royal Commission.

In closing, I would simply like to say that this approach of public education and of fostering greater public awareness of the negotiations and, essentially, of the basic principles followed by the Montagnais and Atikamekw in examining this issue with Quebecers, I think, is part of the negotiating process itself, and we are extremely pleased that this has been able to take place now. This sheds some light, certainly for us on the Commission, and to a somewhat broader extent as well I hope, on the status of the situation.

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All we can do is wish you luck and hope that progress is made on this issue. We will certainly follow the Commission's timetable as efficiently as possible so that all parties -- the governments, the public and aboriginal people -- in this country can move forward in a common direction that is acceptable to everyone.

With these words I would like to thank all those who made the presentation and to adjourn the Commission's hearing until 1:30 pm, when we will hear the presentation of the Grand Council of the Crees of Quebec.

I would simply like to remind those who used-- and that is most of you -- the headphones for the simultaneous translation to return them to the back of the room.

So, until 1:30 with the Grand Council of the Crees. Thank you.

--- Adjournment for lunch at 12:50 pm.



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--- Resumption at 1:45 pm.

**CO-CHAIR RENÉ DUSSAULT:** The Royal Commission  
on Aboriginal Peoples in Canada resumes its day of hearings.

[English to p. 992]

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Thank you.

At this point the Commission would like to end its hearings for today. We will resume tomorrow with the presentation by the Confédération des caisses populaires et d'économie Desjardins and with the presentation by the Grand Council of the Waban-Aki Nation, and then we will continue in the afternoon with the presentation by the Confederation of National Trade Unions, the CNTU.

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So, until 9:00 tomorrow morning. Thank you.

In closing, I would also like to mention that we will be taking part this evening, at Concordia University, in a discussion forum with students from the university. This forum will be attended by both aboriginal and non-aboriginal students to discuss the four key elements of change, namely relations, self-determination, economic self-sufficiency and the whole issue of the need for healing, which we put forward in our report "Focusing on the Dialogue" at the end of the second series of public hearings.

All interested members of the public are invited to attend. This forum will be held in the Senate Chambers, Drummond Science Building, on the Loyola Campus. Thank you.

---The hearing adjourned at 5:00 pm and will resume at 9:00 am on Friday, November 19, 1993.