

ROYAL COMMISSION ON  
ABORIGINAL PEOPLES

COMMISSION ROYALE SUR  
LES PEUPLES AUTOCHTONES

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## I N D E X

NOVEMBER 30, 1993 / LE 30 NOVEMBER 1993

| NAME / NOM  | PAGE |
|---|------|
| Presentation by the Fédération<br>québécoise de la faune<br>André Pelletier, President  | 286  |
| Presentation by the Honourable Jean-Charles Coutu<br>Judge of the Court of Quebec   | 313  |
| Presentation by the Union des municipalités<br>du Québec (UMQ)<br>Michel Bédard, member of the board<br>Jean-Bosco Bourcier, Mayor of Châteauguay<br>and member of the board of the UMQ<br>Jean-Benoît Forget, Mayor of Deux-Montagnes  | 380  |
| Presentation by the Fédération québécoise<br>pour le saumon de l'Atlantique<br>Bernard Beaudin, President<br>Edmond Malec Lalo, Vice-President<br>(lower North Shore)   | 451  |
| Presentation by the Fédération des pourvoyeurs<br>du Québec<br>Thérèse Farar, Representative  | 490  |
| Presentation by the Barreau du Québec<br>M. le Bâtonnier Jean Pâquet,<br>Chair of the committee of the Barreau du Québec<br>on aboriginal people and the law<br>Yvon Parent<br>Paul Dionne<br>Pierrette St-Onge<br>Serge Tremblay<br>Myriam Bordeleau<br>Robert Pratt<br>Marc Sauvé | 524  |
| Presentation by the Groupe des 22<br>Michael Betts<br>Anick Riverin<br>Julie Breton<br>Suzy Basile  | 570  |

Montreal, Quebec

--- Hearing resumed at 8:30 a.m., Tuesday,  
November 30, 1993.

**CO-CHAIR RENÉ DUSSAULT:** I would like to  
welcome everyone.

The Royal Commission on Aboriginal  
Peoples in Canada is resuming its public hearings with the  
first presentation by the Fédération québécoise de la faune  
[Quebec wildlife federation], André Pelletier.

**ANDRÉ PELLETIER, President, Fédération  
québécoise de la faune:** In order to provide you with some  
background, first, I am going to give you a brief  
introduction to the Fédération québécoise de la faune, which  
is the group that brings together hunters and fishermen,  
harvesters of wildlife, if you like, in Quebec.

The Federation is composed of about 350  
hunting and fishing associations plus several thousand, to  
my knowledge it is 4,500, individual members of the  
Federation, for a total membership of about 250,000 members.

The primary objective of the Federation  
is to manage wildlife, to preserve habitats, and to provide

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

political representation, in quotation marks, for the interests of its members and of harvesters in Quebec. You must understand that there are very, very few Aboriginal people among these harvesters, in our membership.

Because of its position throughout all of Quebec, because we have members from the Iles de la Madeleine to Hull, taking in some areas in James Bay, the Federation is in a position to see and experience the growing conflicts that exist between Aboriginal and non-Aboriginal harvesters.

The Federation has a policy, and I must admit, it is very ambiguous as to Aboriginal rights. I think that its position is more or less a reflection of what is found in Quebec society as a whole, which has even resulted in my making an oral and not a written presentation today. Because there is really no consensus in our Federation as to how the Aboriginal population should be treated, any more than there is consensus as to rights.

Unfortunately, we are left just about every day having to deal with the situation, to which we do not see any solution in the short term.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

Nonetheless there is a resolution that dates from our last convention, last year, which says more or less the following. In Quebec there should only be one kind of law, because there is only one kind of citizen; we are all Québécois. I agree with you that this does not resolve the situation.

To prove to you the extent to which the Federation is more than divided, this resolution was adopted by a majority of only four votes out of about 200 participants who were in the room. This is about how things stand.

The Federation has people who are almost pro-Indian among its members. There are people who are solidly, I admit, who even have somewhat racist reflexes, and this situation is not going to improve in view of everything that is happening in Quebec at present.

In the past, our Federation has always tried to build bridges with the various Aboriginal groups. Despite our rather ambiguous position, we are continuing that work. That is in our interest, it is the interests of the wildlife that we are working for.

It must be said that theoretically we do

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

not get involved in politics. Our actions relate only to wildlife management. I think that there is perhaps one point on which there is consensus in the Fédération québécoise de la faune. That is that everyone hopes that this will be resolved as quickly as possible in the interest of our wildlife harvesting activities.

I myself, as president, am convinced that there is a way of reaching agreement with the Aboriginal groups and as I often say, if there were fewer politicians and fewer lawyers involved in these issues we would find a solution more easily.

Forgive me, but unfortunately that is all I can tell you this morning.

**CO-CHAIR RENÉ DUSSAULT:** Thank you, Mr. Pelletier. Of course it is always disappointing when an organization cannot reach a consensus for a presentation to the Royal Commission. However, I hasten to say that you are not the only organization in this situation.

It is clear that even having to think about relationships with the Aboriginal peoples and with Aboriginal people and from the concrete perspective of presenting a brief to the Commission is often for some

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

groups the first time they have really stopped to see whether they are capable of reaching a consensus and taking a position. In that sense, some progress has still been made.

It is clear that for an organization like yours which has extensive contact with the Aboriginal community in Quebec, that shows that there is a lot more work to do. The value of wildlife management and conservation in principle should be a value that brings people together more than it separates them or divides them.

This being said, we are very aware that there is often a considerable gulf between general principles and daily life at the grassroots.

We appreciate your coming to tell us what you have said. You are the president of the Association, obviously we hope that the discussion will continue and there will be informed participation. When you talk about a resolution adopted by four votes out of a gathering of 200 members, I think that that indicates that there is truly a significant difference of opinion.

The Federation has been in existence since 1945, and consists of 250,000 members. You have local

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

associations, nearly 300.

**ANDRÉ PELLETIER:** A regional structure as well.

**CO-CHAIR RENÉ DUSSAULT:** A regional structure as well.

What is your connection with the Canadian organization?

**ANDRÉ PELLETIER:** Now you are getting me onto dangerous ground again.

The Fédération québécoise de la faune is an associate member. I personally sit on the board of directors of the Canadian Wildlife Federation.

The Fédération québécoise de la faune represents about half of the membership of the Canadian Wildlife Federation. We, Quebec, are, let's say, the biggest affiliate of the Canadian Wildlife Federation.

We have had very tight discussions there as well. I do not know whether you have met with the representatives of the Canadian Federation, but there again, at the time when the discussions were taking place with the Canadian Federation, as an affiliate I took positions which are now almost disowned by my own organization.



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

I must tell you that everything that I told you earlier is virtually an admission of personal failure for me. The people who know me know very well that I have a special relationship with the Aboriginal people. I am a harvester who is sitting somewhat between two chairs, and I am not ashamed to admit today that if, after my third term, I do not come back as president of the Fédération québécoise de la faune it is due in large measure to the failure to resolve this issue.

I consider the resolution that was adopted by the convention to be a personal defeat for me and I am personally in a bit of a bad situation ... I am on the verge of making a public confession, but I take it as a personal defeat because I was the principal architect of an attempt at a reconciliation until some unfortunate events occurred and then the wave swept right over me, since I am myself half Aboriginal and half ... because I don't know any more what to call myself. This is one of the problems.

It is this vagueness in the entire issue that is, I think, going to end up completely eroding it. When you are Métis you don't know whether you are white or red. The Indians treat you like you're white and the whites

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

treat you like you're red, and you end up not knowing how to deal with it any more.

The debate in the Fédération québécoise de la faune is where it starts to get murky. Our membership is almost all ... when I say almost all, 99 per cent of the people in the Federation are prepared to recognize the right to subsistence hunt. The problem is that we don't know where that starts and where it ends, subsistence hunting.

When we talk about the Neskapi, right at the top, who feed themselves without a doubt from their hunting and their gathering, there is not a member of the Federation who will say that these people should obey the rules of our game. But when an Indian from a band that lives in the suburbs of a big urban centre comes and tells us that killing a white goose in the springtime means he is subsistence hunting, well I'm sorry, but that is seen by us in no uncertain terms as being provocation. So that's the problem.

There is no longer anyone, and I hope that your august commission will succeed in clearing up some of these points. This is the only chance we have of getting out of this debate alive. What is subsistence hunting? Who

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

is an Aboriginal person? And to whom do the rights that are being claimed belong?

I am known for my prejudice in favour of some Aboriginal groups and at the same time I have to admit that I don't know where I stand. I don't know where I stand. There are some things that obviously have to be clarified.

**CO-CHAIR RENÉ DUSSAULT:** I think that you have got to the heart of the matter in the definition of an Aboriginal person, the concept of subsistence hunting, but also, and most especially, the concept of Aboriginal ancestral rights and the scope of those rights, and how they are to be harmonized with the regulations and legislation of the other levels of government.

It is clear that this is a question, and you are telling us very frankly and directly, that divides much more than it unites Aboriginal and non-Aboriginal people, in Quebec especially, and this has repercussions on a lot of things when it comes to relationships.

When it comes to these things, again, the Commission is going to try to shed as much light as possible on this issue, but here again there are certain

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

preconceived ideas that will undoubtedly have to be called into question and everything depends on how this is done. What is important is that things be clear, and the reasons be clear. In this sense, I think that your testimony this morning says more than any number of papers you could have submitted to us.

If I understand you, you are finishing your third term. These were terms of ...?

**ANDRÉ PELLETIER:** Two years.

**CO-CHAIR RENÉ DUSSAULT:** So that makes six years.

Mary Sillett and I have had the opportunity to hear the Canadian organization in Toronto, and so I understand very well what you are telling us. The position was somewhat different.

You have given us a number of paths, questions, the fact that 99 per cent of your members agree with the principle of subsistence hunting and fishing, but how do we get some concepts of public education going ... for example, we have published several documents. We are completing the fourth set of public hearings. Between each of them we have published a transcript of the hearings.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

Pretty much all of the themes of our mandate have been addressed before us. The information is available, about how people think, how people respond throughout Canada, Aboriginal and non-Aboriginal people, to these problems. Of course others before us have done this kind of work.

What can we do so that this information, which is the basis, in a way, for deliberation, because we often have our world view, and it is almost shocking when we meet someone with another world view. There are two ways of responding: discussion and name-calling.

What could we do in terms of basic information, not so that people can make their own decisions, but to be sure that there is more balanced information circulating in an organization like yours? How do you provide information to members?

**ANDRÉ PELLETIER:** In addition to an internal newsletter that comes out every two months, there are also all the contacts made throughout the structure. I

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

must point out that our associations are grouped by region and that each of these regions holds an annual convention. There is also the Federation's annual convention. If you like, this operates a bit like a pyramid. Each of the associations is part of a region which itself is part of the convention.

The board of directors, in any event, is constructed in exactly the same way. There are presidents for each region, who sit on the board of directors.

I think there are two aspects to the question you are asking. One, there is the problem that we have to educate young people. This is a long-term project.

Second, within all the existing structures, whether it be the Fédération québécoise de la faune or any other kind of organization, what there absolutely has to be is contacts.

Each time we invited, because this was common practice until recently, until certain events occurred which cut off a lot of bridges, there was always a guest at the convention of the Fédération québécoise de la faune, spokespersons or representatives of Aboriginal groups

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

or nations who were at each of our conventions, always talking about different subjects, such as forest management, the implications of forest management for wildlife, for the Attikamek-Montagnais territorial negotiations.

I can tell you that since I have been president, except for the last two conventions where it had become impossible, but there were always Aboriginal people invited to take part in our conventions, for good reason: the only way that people will be able to get together and find common ground is that they have to meet. And each time we invited the Aboriginal people we found that the people in the room realized that what united the white and Aboriginal harvesters, there were a lot more things that united us than there were that divided us.

Let me give you a quick example, the forest. When a logging company clearcuts, whether you are Aboriginal or white, it is unfortunate, but it is the same trees that are disappearing and the same wildlife suffering the consequences. Whether you are an Aboriginal trapper or a white trapper, it doesn't change anything.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

Beginning with that, we had started to build something. Today it has become very, very difficult.

There's one thing you have to remember. Sad to say, in Quebec, nearly half the population of Quebec lives in the large metropolitan region, if you draw a circle sixty miles all around Montreal, you have half the population of Quebec.

I myself would say that these people have a much greater chance of meeting a Haitian or a Vietnamese than an Indian in their daily life. And these people all have a preconceived idea about what an Indian is, but they have never in their whole life met one. Probably the most Indian person they have seen in many cases is me, and I guarantee that I am not very representative, unfortunately.

It is still a sad reality of life. One, at school we never learned what an Indian was, and two, as a general rule they live very far from us, and it doesn't help that the ones who live close by, those are the ones we have the problems with. How can you expect someone from Montreal



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

to know anything else about Indians? Indians, to them, means Mercier Bridge. We'll never solve this, because that isn't Indians.

**CO-CHAIR RENÉ DUSSAULT:** In your view, did the events of the summer of 1990, which of course took place here in the metropolitan region of Montreal, is this what caused the most damage on this question, in the more remote regions, on the land, in other regions of Quebec, in terms of the question of wildlife.

Is it more this, or is it more problems in the more immediate relationship, or both?

**ANDRÉ PELLETIER:** The beginning of the cooling in the relationship, and I am going to try to be more diplomatic than I normally am, the beginning of the cooling in the relationship between the Fédération québécoise de la faune and the Aboriginal representatives started with the Attikamek-Montagnais claims.

All kinds of demagoguery was going on. People saw maps on which theoretically they thought that the

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

Attikamek-Montagnais were claiming two thirds of what was left of Quebec starting from James Bay, without making any distinction between land claims and ancestral occupation. No one understood the maps.

Up to a certain point we were able to defuse that bomb with representatives of the Attikamek-Montagnais council at our convention. Just when we thought we had succeeded in getting people to understand how this might operate, what would happen about all that, then came the events with our Nadoway (PH) friends that we all know about.

Everyone knows how difficult it is to deal with the Aboriginal problem as a whole because there is no Aboriginal problem, there are Aboriginal problems. Each nation has its own claims and its own business. I know that.

There has never been political unity among Aboriginal people, and I think this is particularly true of the Assembly of First Nations, if you will forgive me. Add two or three things together. Everyone who was trying to work in the interests of wildlife and reconciliation between Aboriginal and non-Aboriginal people

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

felt as betrayed as they could be, two or three times in a row. And I am one of them.

I'll tell you honestly, I'm no longer interested in fighting for that today because I have the impression that I am working all alone and for nothing.

While I am trying to convince the whites, who are a bit too much the cowboys for my taste, the Indians are spending their time doing things that pull all my arguments out from under me and that often prove the extremists on the other side to be right.

Mercier Bridge was total madness, Oka was no more impressive. And after that there are Aboriginal politicians putting the cherry on the sundae by saying that we, the people of Quebec, we are not a people, and we know what happened next. Forgive me, but I am a Québécois who is too red to be white and too white to be red, but I am still a nationalist, as are many Québécois.

These people are saying listen, in addition to us not having any political unity, we don't recognize yours. There are Aboriginal people who, sometimes one wonders whether they are in fact playing the provocation

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

game for the fun of provocation, one, and two, because I can tell you that the Nadoway set the cause of Aboriginal-white reconciliation back 20 years with a single blow. It has no longer been possible to talk to a lot of people, not even to try to imagine that there might have been reconciliation.

I am telling you that for the last two conventions of the Fédération québécoise de la faune I have not dared to invite an Aboriginal person, I was afraid that the people would behave toward them in a manner that would have been unacceptable. I didn't dare.

Personally, I perhaps damaged the cause precisely by being, at the beginning, too - not boastful, but I dared to say that I was Métis, because everyone who was against the Aboriginal cause at that point used that fact to say that I was becoming biased, because being half Indian sometimes is being too Indian. It is easy to forget that the other half is white. Sometimes I wonder whether I am not too white.

Forgive me, I am getting a bit emotional. It's because what I am doing is working off my frustrations from the last six years. It is in a way my

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

legacy, my attempt at reconciliation, I don't know. There are people in the room here who know that I have always worked with my guts. Forgive me, but they are worn out. They have been dragged across too many tables.

**CO-CHAIR RENÉ DUSSAULT:** I think that your testimony before the Commission this morning is important. You are giving us a good summary of what some people have experienced in Quebec, and it is important to the Commission to hear both sides of the coin. Hearing it through someone like you who has tried to work on reconciliation is even more striking.

I think that it is clear that this shows the enormous amount of work there is to do, generally speaking, but more specifically, at the grassroots, and in the field of wildlife protection, and so also of management of the resource.

We had the opportunity 15 days ago in Montreal to hear a presentation by the Attikamek-Montagnais council, who gave us an idea of the status of the results of the negotiations. Clearly there is a lot of reciprocal misunderstanding going around, often as a result of information that has been exaggerated. Extreme measures are

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

being taken to make a point, but often the fine points are left out and what gets out to the public is the extreme part of the message.

I for one, this morning, would like to thank you for having come to make this presentation to the Commission. I think that it was very important.

Before we finish, I would like to ask my colleague, Mary Sillett, to speak to you.

**CO-CHAIR MARY SILLETT:**

[ENGLISH FOLLOWS]

**ANDRÉ PELLETIER:** If you would allow me, I am going to answer in French because I am not very good at English.

Unlike the Canadian Wildlife Federation, which has, generally speaking, and throughout Canada as a whole, a much more serious dispute with the Aboriginal people than we have in Quebec ... it is a bit bizarre. The Québécois are perhaps the ones out of all Canadians who have the fewest -- I am still talking in the field of wildlife management, I am not getting into political subjects.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

The Québécois are perhaps the white Canadians who have the fewest disputes with the Aboriginal people in the sense that here there is no big problem, in quotation marks, of rivers being stripped of salmon, there is no wildlife species that is harvested to a huge extent more by the Aboriginal people than by the ... In terms of sharing resources, we really have no problem here.

There are still a few small questions that will arise, such as, for example, Quebec has just adopted a new policy for managing moose, livestock, where the rules of the game are very strict. The white hunters have decided to tighten their belts by two or three notches, if you will.

The question they are asking is are Aboriginal harvesters going to help us out and try to provide an even stronger assurance of the sustainability of the moose resource? We have no guarantee that they will.

On the other hand, almost all whites are prepared to admit, at the same time, that the percentage of moose taken by Aboriginal people is not significant in the big picture. Except that in symbolic terms, if the



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

Aboriginal people decided to do the same thing as the whites to try to improve the quality of their herd, this is the kind of thing that could bring the two groups together easily.

In Quebec there have been a number of contentious issues in the past. They mainly related to a few salmon rivers. Several years ago, this problem was resoundingly resolved. As well, I greatly envy on occasion my friend Bernard Beaudin of the Fédération du saumon de l'Atlantique du Québec, who succeeded in doing what I was trying to do in the Federation: in no uncertain terms, "if you can't beat them, join them".

This is what he did with the Aboriginal people, and it is working so well that, as I said, I am almost jealous.

Even on the land, with the exception of a few examples of provocation, when Indians go out before the season, making sure that the journalists are around, and hunt a white goose when it isn't time or a moose when it isn't time. But those are all isolated examples of provocation, which doesn't solve anything, I would note, but

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

which does not endanger wildlife management.

This is why Quebec almost dissented inside the Canadian Federation, in terms of the brief that was filed by the Canadian Federation. Moreover, we have always, or almost always, dissented on the Aboriginal affairs committee of the Canadian Federation.

A few years ago, when a friend of mine from Yukon was chairman of the Aboriginal affairs committee of the Canadian Federation, I took part in that work and at one point, let's say the [moderates - ?] in the Canadian Federation were leaning a bit in favour of people who had much more radical views. At that point, I withdrew from the Aboriginal affairs committee of the Canadian Federation, and ultimately was passed by in my own Federation by somewhat more radical elements also.

Clearly in Quebec we do not have the impression that there are really disputes at the real grassroots. Of course there are people who feel threatened by the land claims, because the land is occupied, what can you say. I mean whites, there are whites everywhere in the forest. So when the Aboriginal people start claiming

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

rights, there are people who have had cottages there sometimes for years or who also hunt traditionally, because Quebec tradition, forgive me, but hunting is getting to be a long-term thing for us too. It is getting to be long-term.

I can even boast as a Québécois that my ancestors have hunted in Quebec longer than some Aboriginal groups who arrived after my white ancestors. Immigration was a two-way street. Of course I am not talking about my Algonquin ancestors. That would be a longer time.

I hope I have been able to answer your question somewhat.

**COMMISSIONER MARY SILLETT:**

[ENGLISH - Thank you very much.]

**CO-CHAIR RENÉ DUSSAULT:** I would like to thank you for travelling here and coming to meet with the Commission to give this testimony, which is very enlightening on a number of points.

**ANDRÉ PELLETIER:** Meegwetch.

**CO-CHAIR RENÉ DUSSAULT:** Thank you very much. Meegwetch.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

We are going to recess for two minutes.

We shall resume the hearing immediately afterward with the presentation by Judge Jean-Charles Coutu.

--- Hearing recessed at 9:51 a.m.

--- Hearing resumed at 10:06 a.m.

**CO-CHAIR RENÉ DUSSAULT:** The Royal Commission on Aboriginal Peoples in Canada is resuming its public hearings with the presentation of Judge Jean-Charles Coutu.

**THE HONOURABLE JEAN-CHARLES COUTU, Judge of the Court of Quebec:** Mr. Chair, Ms. Sillett, it is an honour and also a privilege for me to have been invited to make a presentation before your Commission, which is very important at this time in the life of our country.

As you know, I am a veteran of the justice system in Aboriginal communities, since it was 20 years ago that at some point almost every week or every two weeks I was in an Aboriginal community to justice to them, as it were, as the missionaries went to take the gospel, for better or for worse.

What I have personally observed after a

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

decade of this is that our justice system, as we apply it among the Aboriginal people, and particularly in the location where I tended to this task, northern Quebec, often did not meet the aspirations of the Aboriginal peoples.

Moreover, we should not think that this justice system fails in meeting the needs of Aboriginal people alone. I also does not meet the needs of whites. I often say, for example, in advocating new forms for the administration of justice and a reexamination of the administration of justice, ten years ago in Quebec there was one prisoner per cell in the prisons. In the United States they were up to two or three, down there. Today in the United States they are up to ten, and we have perhaps got to three. How many will there be per cell in ten years? Here I am referring to the white areas.

I think that we have to do a serious examination of this, and what I have said to various people is that the experiments we want to undertake in Aboriginal communities, I think we could also do them among ourselves, and perhaps successfully, and that we would also learn from Aboriginal communities how better to administer our own

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

justice system.

I have filed a number of documents which are ideas I have had over the years about our experiences. In reality, since 1983 we have been trying, in the Ministère de la Justice, people who work in this area - defence lawyers, prosecutors, judges, clerks, people who work on the barn floor, so to speak, although we are not numerous in the North, there are more caribou than us, we have tried to find new approaches to the administration of justice and to work together in developing this and, of course, at the same time convince the government to improve the situation. As well, this has led me personally to a number of conclusions.

And so I have filed some small speeches I have occasionally given, the first of which was to the Association in April 1991, which is a general review of the history of the administration of justice in Aboriginal communities in Quebec, particularly since 1970, because that was really the point when it started a bit more, in response to *The Queen v. Itoshat* (PH), which was decided in Montreal, in which a case had been stayed because Judge Malouf had decided that it made no sense for someone to be tried in Montreal when he came from Koodjoirapic (PH), Poste de la

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

Baleine at that time, who was 2,000 miles from home.

He asked how a man could have a just and fair trial in Montreal, and he was entirely right about that.

This is part of what started the Ministère de la Justice and the people of Quebec, I would say, thinking about the administration of justice in Aboriginal communities. As a result of this, also, there was a report and the itinerant court for the North was organized.

I have given a bit of this background and in this document I advocate a kind of model along the lines of the one found in the Juvenile Delinquents Act, alternative models which could be implemented by local justice committees.

Finally, this document closes with a discussion of a set of ideas, for example, when we talk about tradition, can tradition really meet modern needs. There is also the fact that we have to respect the Charters,

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

that we don't have to re-invent everything wholesale, that a tradition does exist, both for Aboriginal people and for whites. Legal traditions, that also have to be respected, and we will not start over, building the universe tomorrow morning, starting from scratch.

There is a second document which I have filed with you, which is an analysis I did in 1972 entitled "Le sona à Ovide Mercredi". It is a bit of a catchy title but it was simply to ... the subtitle was "Sommes-nous si différents les uns des autres?" [Are we so different from one another?].

I was pleased to notice in the document which was published by the Commission by John Giokas, these ideas, exactly the same idea appears in that document, to the effect that no, at bottom all we want is peace. We want harmony, we want to reintegrate people who break society's rules, we want them to be reintegrated into society and mend their ways. I think that whether one is Aboriginal or white, we think the same, we have the same objectives.

Another little document that I filed



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

with you contains some thoughts on the participation of the Aboriginal women of Canada in alternative methods for administering justice, simply to point out that in my opinion Aboriginal women have a big role to play and should play it very soon indeed in the process of implementing models for the administration of justice, for a number of reasons.

The first reason is that they are the first victims of the violence that is, in my view, extreme in several communities, and second, they are perhaps more, I would say -- I am perhaps going to sound like a feminist -- I think that they are closer to everyday needs. In any event they have not lost their vocation as mothers, unlike the men who have often lost their role as provider, who no longer have any place in that society, who play at fishing and play at hunting for lack of anything else to do, they have become big kids.

I believe that the women have retained their sense of everyday duty to a much greater extent by taking care of their daily tasks. In that sense they can

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

surely bring, because of the responsibility they assume from day to day and this sense of the responsibilities they bear, they can bring an enormous contribution to the judicial system. And in the meetings I have had to date I have urged them to take an active part.

Finally, in October 1993, at the Canadian Criminal Justice Association, I tried to answer questions being asked on the Quebec committee. The question was quite clear: Are Aboriginal people, Aboriginal communities, as a whole, most of them, are they prepared to take on a complete judicial system at present?

My answer, for reasons you will find in that document, was no. These reasons are set out there. In particular, one reason is the ethic of non-intervention that exists, that I noticed myself in court hearings I have had in the North, but an ethic of non-intervention in another person's life, which may have been valid when people lived in small communities, in a small society, in small homogeneous groups, in communities of two or three families, but which in my opinion no longer makes sense today if we

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

want to deal with the modern world and the arrival of technology, the burgeoning numbers of interpersonal relationships, which are both short and numerous.

This ethic of non-intervention must absolutely change, in my opinion, because it has a great effect, and I say this in the document, it has a great effect even on how children are brought up. I think that it is important that ... discipline be learned.

As early as 1977 I was saying, in reference to the Inuit in particular, when there were igloos no one broke windows. Since that time things have changed enormously. There are windows in the houses, and the windows get broken.

Opportunities for breaking society's rules have been multiplied a thousand-fold; rules were rarer in the old days, but they have become increasingly numerous.

My thoughts in these documents which I have filed are not the work of a very learned man, but the thoughts of someone who works day to day with the people, who tries to understand their reality and who has over 20

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

years seen a situation deteriorating quite enormously largely because of the advent of all the communications media.

When we think that television in the North in particular, in 1981 there was no television. It arrived in 1981, television did. So you understand that in the space of 13 years, television, videos, pornography, all that moved quickly into the communities and of course they were perhaps not completely prepared to receive all these modern ways, if we can call them modern ways -- the disadvantages of modern ways.

I read with interest the document prepared by Mr. Giokas, who I imagine was commissioned by the Commission, the document being the report on the round table on judicial issues. I think that this document really contains the essence of the approaches that should eventually be taken, throughout Canada, I think, that should be taken by the administration of justice, how we should set about administering a better version of justice throughout Canada and in Aboriginal communities.

I think that the essence is there. Of course this document is very complete, it refers to the

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

numerous commissions that have been held throughout Canada.

It has been under study for a long time. As Frère Desbiens said in one of these documents, [TRANSLATION] "I have never seen any people anywhere in the world who are studied to such an extent", and I think he is somewhat right.

I would like to get to Mr. Giokas's conclusions at page 223 [219 English version] of this document, which was probably part of another document.

At the end of the document he says, referring to the Aboriginal peoples:

In this respect they are well ahead of other Canadians and are increasingly frustrated by the reluctance or inability of non-Aboriginal politicians, judges and justice administration officials to grasp the inevitability of the changes.

In his final paragraph:

This is not an impossible program. What is impossible is to do nothing. That is why this paper

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

begins with a paradox and ends with  
a question.

After some thirty Aboriginal justice inquiries and reports,  
are Canadians, Aboriginal and non-  
Aboriginal, finally ready in 1992  
to stop talking about the problem  
and to show the courage to begin as  
partners to do something about it?

This is exactly the point of view of the  
Minister of Justice in establishing the advisory committee  
on the administration of Aboriginal justice in Quebec  
following the Sommet de la Justice which took place in  
February 1992.

It must be noted that this was in  
response to a whole series of measures we had taken over ten  
years, in which, as I said earlier, all the participants in  
the judicial system in the North took part, and also the  
people responsible for coordinating Aboriginal affairs in  
Quebec, the people responsible for justice issues.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

Since that time, brief upon brief, document on top of document, we have been trying to convince everyone to develop new forms of administration of justice.

So much so that in about 1988 and early 1989 a sort of general policy was accepted by the Ministère de la Justice.

Following that, they agreed, I believe, that we would go out and consult the Aboriginal communities on what we thought were good approaches in the administration of justice. Our solutions might not only be good ones, but they had also to be accepted by the Aboriginal communities, and following the Sommet de la Justice the Minister of Justice agreed to form a committee to go out and consult with the Aboriginal people.

I filed a document with you that is entitled, and I think the title is very clear, "Towards a transfer of responsibility for the administration of justice to the Native communities of Quebec".

Although in the last speech I submitted to you I said no, the communities are not ready, that does not mean that we must do nothing. On the contrary, we must

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

start looking for methods by which the Aboriginal communities can take increasing responsibility in the administration of justice.

This is a working document which is very down to earth, which deals with things that are possible and can be done quickly.

At the outset, in the foreword to this document, you will note that we caution the reader that everything proposed there is without prejudice to any political position the Aboriginal communities peoples may adopt. And this is, in essence, the same as is found in Mr. Giokas's document, in the sense that if we wait for the big claims to be settled, nothing will get done.

We have to start somewhere, and I believe that this responds to the ideas expressed in the Commission's document.

What we say in the final paragraph of page 1, and this may also be important, is that in reality "any experiment, even partial, involving the transfer of the responsibility for the administration of justice to the Native communities will be part of an evolving process and will offer the advantage of preparing communities for the



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

more comprehensive transfer of responsibility mentioned above".

That is, if eventually there must be complete autonomy for Aboriginal communities, there will at least have to be people who are informed and who are prepared to take charge of this system. Except that I note one of the conclusions, with which I agree, in Mr. Giokas's document.

He gave four conditions or four observations. The last was that Aboriginal communities will not be able to take responsibility for the administration of justice independently of what exists in the country as a whole. And I think that this is a fact that cannot be avoided. It is unavoidable because the rest of the population will not disappear overnight. There must continue to be a process of harmonization, if you like, between the two systems that might exist.

In the document we have here, which is a document, which is several possible approaches, we do not exclude others. At bottom, there is nothing very new. We talk about mediation, diversion and trial by a justice.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

This is not very new. These are things that we have been talking about for 20 years, but it seems that not many people have started applying them in a broad and rational manner.

It is easy to see throughout Canada that there are partial experiments being conducted, largely experiments in mediation and diversion. What we are presenting here, what we hope will eventually be implemented, implemented in Quebec, because here we are speaking for Quebec, is a broad and evolving plan, that is, staying away from the little experiments that last one or two years and that disappear afterward because there are no more funds.

When we have a clerk in a courthouse, to give you a simple example, that is something permanent. When the clerk leaves, another one is hired and another one is put in his or her place.

So perhaps we have to get out of this culture of temporary programs. Clearly these temporary programs may be very good things, for temporary things, but I believe that what is important in terms of the justice system is to set up permanent things.

November 30, 1993

**Royal Commission on  
Aboriginal Peoples**

This is the approach that we take in this document, and of course we hope as an advisory committee, we know that the Ministère de la Justice has a lot of goodwill, except that the various Treasury Boards in the country, even if they have goodwill, do not always have the resources.

What we are advocating here does not require enormous sums of money. It requires much more goodwill on the part of the people who are involved in the judicial system and also goodwill on the part of the Aboriginal communities.

I shall quickly move on to mediation. I believe that it is not necessary to go into this in great detail. This document deals again with appointment, competence, operation, how the decision should be made. It is a succinct little code of procedure, but it is very precise, to assist people in finding their way around it. It talks about diversion [*non-judiciarisation*]. I believe that it is very important to point out that here in Quebec we talk about "*non-judiciarisation*" rather than "*déjudiciarisation*" [not referring to the courts, rather than removing from the courts - Tr.].

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

We know that in Quebec all criminal or penal charges laid are laid after being forwarded to the Crown attorney. Cases are therefore evaluated first. The police do not lay charges directly, and the case is referred after to the Crown attorney, so that there is a sort of filtering of charges done, and in this sense in the discussions we had at the Ministère de la Justice we believe rather in "*non-judiciarisation*".

When we refer to the courts, we go to court and we take it to its completion, but we decide beforehand whether to go to court or not.

What I would like to add is that there are choices in this. A community can in fact say I am going to do only mediation, and organize a mediation system. A community can say all we want to do is we want to have a justice and we want to prosecute our little by-laws, our things, our band by-laws or our municipal by-laws, if we are talking about the Inuit, we want to prosecute them in front of the justice, but we do not want to go beyond that. That community is free to choose to do that.

In other words, what we are proposing is

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

very flexible and is also at the pace desired by the communities, and also the pace of their capabilities.

When we talk about diversion we are talking about a diversion committee. This is something similar to what has developed in the Young Offenders Act. It is the same system, in fact, for adults. It amounts to community justice.

This may be where we can find the most, in any event if the Aboriginal communities want it, it is in diversion that they may be most able to find or apply ancestral customs or traditions because at that point they are in charge of the penalty, in charge of how to remedy the problems.

At page 8, at the top, there is a non-exhaustive list of possible decisions that such a diversion committee could make. You will see there that in many cases it is the same as is already found in our own legislation. Public reprimand, of course, we don't often have that, but these are things that are tried that are fairly good in some places -- compensation for the wrong caused, restitution,

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

community work, donations to an agency or to the community, assistance to underprivileged families.

Here again we get into more traditional things: a training period geared to traditional activities, voluntary night-time or weekend detention, that is, someone agrees to be separated for a weekend without there necessarily being a prison, but as a result of community pressure he or she agrees to it. Participation in therapy workshops on subjects such as violence, sexual assault or alcohol and drug abuse.

I should say that there are already communities in Quebec that have started things like this.

Referral to the court is the second community model, if you like. The third is referral to a justice. Why do we call this about a community model? Of course, the justice would be local, an Aboriginal justice. In this sense it is a community model, it comes from the community.

So we provide for appointment of the justice and his or her competence. We also talk about attributable competence with or without amendments. There

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

are some important comments and I believe that the entire operation is dealt with. And one can go quite a way with these justices.

Of course there are constitutional problems that may arise. It is not necessarily lawyers who frown at that. But I believe that we have to try, if not to avoid, but to face these realities. So when problems arise we will build bridges and amend the legislation as required.

Like the Tribal Court or Tribal Judge in the United States or elsewhere, the justice may have broad powers. For example, I know that in Alaska the tribal judges, the tribal courts, deal with, for example, traditional adoptions. There are three kinds of adoptions there, which are provided for in Alaska, two or three kinds.

Here in Quebec we still have our adoption law in the Civil Code, but why could we not, in a few years, working a little with the communities, gain some knowledge about traditional adoption and incorporate it into our legislation? Why not?

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

I believe that these are things that could be done. What I have seen myself, in Alaska it was people who were not lawyers who rendered the judgments. But ultimately the forms they used for rendering judgment were exactly the same as I use myself when I render adoption judgments. There is nothing new under the sun.

Today there are social services in place in all the communities, and there are possible parameters for ensuring that adoptions are conducted properly, so that the justice could eventually have a role, even in civil matters, particularly in adoptions and also in protection cases.

Our Youth Protection Act could surely be amended, eventually, to permit communities in some cases to look after child protection. And why could the communities not look after their own children instead of always entrusting this to people on the outside who perhaps do not understand much at a certain point?



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

In any event you see here all the approaches, all the discussions that are required with the various agencies. I believe that we are at the beginning of a process that will not be easy. It is a process that will take 5, 10, 15 or 20 years, but we must take the time to build it from the ground up, ultimately.

In section B on page 12, we talk about a justice committee. This should not be seen as a contradiction of what was said before. What was said before, we propose three models. I said that the communities have a choice. They can decide to do only diversion, or something else.

We are also proposing that there be a local justice committee. Someone was just telling me, I don't remember who, here in the room we were talking a bit.

For example, the justices in the communities here in the south who receive threats and who have a lot of trouble in doing their jobs or fulfilling their role, and who resign.

This is a phenomenon that is widespread in small communities and it is why we have always proposed that there should be a sort of community justice, in any event that there should not be one single person who has to

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

bear the entire weight or expense of the sentence, ultimately, and that it be shared among various people in the same community, that it not be just one person who gets the finger pointed, and that the person who committed the offence feel that the entire community is sentencing him or her, not just one individual.

This is very important, because I can tell you that in some communities after we leave when we travel, it is the interpreter who suffers it, as strange as that might seem, very often it is the interpreter who is accused and blamed by the family and friends because a person has been sentenced to prison. And we have often lost interpreters because of this phenomenon.

So there is really a lack of understanding of each person's role. This is why it is important, I believe, in the communities, that it be groups who ... if there is a transfer of responsibility, that it be transferred to the community.

If you have in a community both a justice committee of five, six or seven people, regardless

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

of the number, you have a band council or a municipal council side by side which stands up, which is vigilant and which accepts the law, you have one or two or three Aboriginal police officers, you are then starting to have people in a community, 10, 12, 15 people who provide a degree of social control, social control which does not exist now.

I was just saying, it is somewhat extraordinary to see the lack of organization in this respect in the communities.

So when I talk about a justice committee, ultimately, it is to bring together the three models, a community who wanted to could very well have a justice committee to which the justice would belong, on which the youth protection director would sit, potentially, when the case involves young people, who would look after both youth and adult cases, and who when the time came to sign a document.

For example, if something is referred to the justice the committee could be present to assist the justice in making an informed decision, and for the form of our system, the justice who was appointed would do the

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

signing, but in essence it would be a community decision.

The justice committee is perhaps the agency that should ultimately be established in the communities. Perhaps not at first, but in the second stage, and have someone who was trained in mediation on that committee, and in fact go back to the traditions of mediation and conciliation that ... we are always being told that this was how problems were resolved in the traditional manner.

In this way we could go back to these models of dispute resolution, whether in civil disputes or in criminal disputes or penal infractions.

Here again, in this document, you have appointments, competence, operation. It is very concrete and, of course, it is not yet complete. There are still things to be worked on, but I can tell you that in terms of diversion we have had forms ready since 1983-1984 to operate in these systems and it will be a simple matter to implement quickly.

We added, and this was something that was not in the documents I referred to, from 1988 or 1989, we added potential initiatives under the current system

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

because judges can, and this is why it was added here and I did not feel compelled to ask permission of anyone to add these alternatives because, at bottom, judges have some discretion in consulting people on sentencing, and in the field of sentencing judges may share some of the responsibility with the communities.

There are three forms: the exhaustive examination of sworn witnesses, consultation with the justice committee -- when there is a justice committee, it could be consulted -- and the sentencing circle, what we call the [ENGLISH - sentencing circle], which is perhaps, one might say, the latest fashion in the administration of justice, which is also discussed in the Commission's document, but which seems to be very effective.

Of course judges have some problems. How we are going to adjust to all this, I don't know. How involved should judges get? To what extent should they be trainers or leaders? How far does judicial independence go?

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

A whole set of problems arises around this.

Myself, I think, and it is my firm conviction, that we must move ahead. The judge has a certain authority or will have, if you like, when he or she goes into the communities, and I believe that it will be easy for the judge to make the community more dynamic through his or her own actions.

In any event, I have myself tried an experiment in the exhaustive examination of witnesses in a case in Umiujak, where this young man had destroyed the entire village. I can tell you that after that consultation, we didn't work any miracles, of course, but it lasted six hours. Of course you also have to take the time to do these things.

I can tell you that at the end of the evening when we left to take the airplane the community was ... and we had quite an extraordinary experience. We virtually had a guard of honour for all the Court staff who were taking the airplane because we had consulted them. They shook our hands, they virtually wrapped their arms around us, even though we were taking the fellow to prison, because we had listened to the community, we had taken the

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

time to listen to everyone, all the people who had something to say.

The grandmother, who was about 80 years old, had given us a summary, a very interesting Petit Larousse (PH) of the reasons for family breakdown, so that the communities want to be consulted, want to participate, and we feel that it is important for them. Particularly because what brings us there is a system that is still foreign and novel to them.

So the sentencing circles, we have done several experiments in Quebec. We are starting to lay out ... we don't talk about criteria, we talk about factors that must be considered. We have already described them in that document. It is an approach that seems to me to be very worthwhile.

You have the possible progression of a case, and you see in this little table at the end, which is on the next to last page, you see how this is developed in an orderly, complete manner, and that it is an evolving process. As people gain experience, powers can be added, and there can be greater participation.

The Yukon experiment is interesting on

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

this point. It has been found that after the communities participated with the judge in passing sentence they are today meeting on their own and even doing preventive work as a result of that action.

This is what we are currently proposing as, if you will, a project in the communities in Quebec.

One last word just to tell you that we have started, it is not a Royal Commission like yours, it is a small advisory committee which has a small budget, but we are going from community to community. I don't know whether we will be able to do an entire tour of all the communities. I don't believe we will.

Our work will very probably end during the summer. I do not believe that we should draw out this consultation forever. At present I can tell you that we have been received warmly by the Aboriginal communities. They are very interested.

I sense that they are discovering things that they did not know before, such as, for example, the jurisdiction of Quebec over the administration of justice. As strange as that might seem, the communities always seem to refer to the Indian Act and think that all rights come



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

only from that Act, while we know that to appoint a justice, the provincial administration of justice may appoint justices with much more power than may be set out in the Indian Act. And that seems to be something new to the communities.

To date, we have found that very few communities enforce administrative by-laws, either before a Court or before a justice. So they are still in their childhood, right at the beginning, starting to have by-laws in the community and being able to enforce them through a foreign, independent body.

That is not the case for five communities we have met to date, and I believe that they are nowhere near autonomy there. When you are that far away you are just starting, you are really right at the very beginning.

In the document in capitals I closed that speech by saying that self-determination begins at the community level, and I still think the same thing, in light of our current experience.

Very few communities, except perhaps

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

those in the North, which have got a little more money, which have been able to organize and which have lawyers, prosecute their local by-laws in the courts. There may be some places in the south here which also do that.

This is a job of starting from the ground up, and what surprises me is that we have only reached this point. The Department of Indian Affairs has prepared some lovely documents on how to pass by-laws, but from what I have seen there doesn't seem to be any budget for hiring a lawyer, other than \$5,000 or \$10,000 per year for drafting by-laws and doing something. There doesn't seem to be anything in the budget, and I wonder whether this is not a result of this way of looking at things where the only person who can regulate or govern, the guardian, the Minister of Indian Affairs, the great guardian, the grandpa of all the Indians and all the Aboriginal people. I imagine that this derives from this culture, which has been around for more than 100 years.

So this is what I wanted to tell you, and tell you what actions we have been taking, concretely. What we hope is that we will get into the 1994-1995 budget to do concrete things, small things, little steps, because

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

we are not going to revolutionize everything overnight. The communities must also be prepared to take on these responsibilities, and that is not always certain, because it is very difficult to take on these responsibilities, and some are also very reluctant to do it.

Finally, apart from all the desires for autonomy and also taking that into account we have met with Aboriginal women to date and they also take a much more cautious approach in terms of taking responsibility for the administration of justice, and quite correctly, I believe.

What we are proposing here, I would repeat, is an evolving system -- a complete system, but evolving.

I would like to thank you, and if you have questions I would be pleased to answer them.

**CO-CHAIR RENÉ DUSSAULT:** I would like to thank you for agreeing to come and make this presentation before the Royal Commission on Aboriginal Peoples in Canada.

I believe that it is interesting in two respects, because of your nearly 20 years' experience now in

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

the dispensation of justice in the North, justice which is, as you have noted, often imperfect in difficult circumstances, but also in your role as chairperson of the task force, the committee on Native people and the justice system in Quebec, which covers all of Quebec but which of course has a particular focus on the North. And that is perhaps my first question.

I would like to ask you, who are the members of your committee?

**THE HONOURABLE JEAN-CHARLES COUTU:** The committee has three members. There is the chairperson, there is Jacques Auger, who is the coordinator of Native affairs in the Ministère de la Justice, and Régis Larrivée, coordinator of Native affairs in the Quebec Ministère de la Sécurité publique.

We have added, as an alternate member of the committee, a representative of the SAA, Mr. Laviolette --

**CO-CHAIR RENÉ DUSSAULT:** The SAA being the Secrétariat aux Affaires autochtones?

**THE HONOURABLE JEAN-CHARLES COUTU:** Mr. Laviolette would not like me now if he were here because I

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

always manage to say Latullippe. It is Laviolette. We always get mixed up with Larose, Latulippe, Laviolette, with the flowers. So we have a flower on our committee.

As well, when we discussed the mandate of the committee, I personally insisted that there be representatives of the federal government on the committee and a representative of the Department of Justice, Rita Dagenais, and a representative of the Solicitor General or now the Department of Public Security, Marc Voinson (PH).

This is because, of course, and I insisted that this be in the committee's mandate, we are authorized to meet with federal officials to discuss cost-sharing, the funding of the administration of justice. We know that in terms of the police there is now cost-sharing, 48-52, in terms of the police organization. So perhaps we should come up with something like that because of the joint jurisdiction of the two levels of government over Aboriginal communities.

**CO-CHAIR RENÉ DUSSAULT:** There is no representative of the Barreau of Quebec?

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

**THE HONOURABLE JEAN-CHARLES COUTU:** No.

Except that in our mandate we are going to consult with the Barreau of Quebec. We have proposals and things to present to them. For example, in our document, we refer to paralegals.

**CO-CHAIR RENÉ DUSSAULT:** I saw that, and since the Barreau will be making a presentation to the Commission this afternoon ... Have you had discussions with the Barreau on this point?

**THE HONOURABLE JEAN-CHARLES COUTU:** Not yet. They have received our documents. Like your Commission, we will probably be having meetings for a week here in Montreal at some point to meet with all the people we have to meet. Of course, that affects the legal profession, and there will be discussions with them on this point.

I do not know what the result will be, because we are proposing this option only in remote communities, mainly, where there are paralegals, as there are in other provinces, what are called [ENGLISH - paralegals], to represent people particularly in guilty

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

pleas before justices, et cetera. It is not suggested that these people do trials, for the moment.

**CO-CHAIR RENÉ DUSSAULT:** But we know that this is still a question ... I understand that your proposal will be spread over 5 to 20 years in some way ...

**THE HONOURABLE JEAN-CHARLES COUTU:** Listen, this can't be done overnight.

**CO-CHAIR RENÉ DUSSAULT:** Of course it will be important for the Barreau to be involved in the work on developing this process. I believe again that this afternoon they will be presenting a brief to us which is a starting point, essentially, for an examination of the reality of the Aboriginal situation in Quebec.

I would like to ask you a second technical question. Your committee covers all Aboriginal people in Quebec -- Indians, Inuit, Métis ...

**THE HONOURABLE JEAN-CHARLES COUTU:** In theory we should meet with them and consult the 54 Aboriginal communities in Quebec.

**CO-CHAIR RENÉ DUSSAULT:** In practice ... ?

**THE HONOURABLE JEAN-CHARLES COUTU:**

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

There are the big organizations, like the Grand Council of the Crees which covers eight communities, who have already started examining the justice system and who are in the second stage of consulting their communities.

Probably we will not be meeting with them, given that we are going to respect the consultation they are doing themselves.

Just this morning, on the airplane, I met the director of that organization, the Grand Council of the Crees. Probably what we will do is we will hold a meeting with the people who are doing that consultation so that they know what we are proposing. That way there will probably be some discussion.

We have already had a request from a Cree community to go and meet with them after Christmas.

We are not imposing ourselves. We have sent the documents, we have said if you want to meet with us, we are ready to meet with you.

The Algonquins, the Algonquin communities, since they have no large organization, we will probably meet with them all.

We have already met with two Micmac



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

communities, Restigouche and Maria (PH), Gesgapegiak, Sept-Iles, Maliotenam and Betsiamites.

Probably we will be going to meet with four communities together, the Montagnais on the north shore, a little higher up, around Mingan, after Christmas.

I imagine that we will see enough to have a fairly precise idea of what the Aboriginal communities want or are prepared to do.

**CO-CHAIR RENÉ DUSSAULT:** Yesterday we had a presentation from the Société Makivik, which referred to a document on the justice system that they published in March of this year, 1993. I assume that here again you ...

**THE HONOURABLE JEAN-CHARLES COUTU:** We are in the process of having this document translated into Inuktitut and once that is done we will contact the Inuit Task Force on Justice. We are going to have discussions with them.

As well, there are problems in another respect. As coordinator of the itinerant court in the North we are probably going to try to speed up the process in the Inuit communities to do something more specific in the next two years.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

**CO-CHAIR RENÉ DUSSAULT:** One final question.

In this respect, have you had or do you plan to have contacts with, for example, the Mohawks in Kahnawake, who have a justice appointed under the Indian Act? Is any relationship possible at this point?

**THE HONOURABLE JEAN-CHARLES COUTU:** The documentation, which we had sent to the Commission as well, on July 23 of this year, I think, was sent to all the Mohawk communities. We received a response, from Kahnawake, telling us that they would not participate in our consultation given that they do not recognize Quebec's jurisdiction over their community. So that is very clear.

We nonetheless told them that we were prepared to meet with them if they wanted to at any time, that on our part, we were not closing the doors. We have had no other communication from the other communities.

It must be noted, knowing the Aboriginal communities, that they have an enormous amount of work

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

just now. Everyone, all the councils, are overloaded. Demands are being made on them from all sides, economic, social, et cetera.

In a way we have to go bang on the door and say "are you prepared to meet with us?", and from then on everything goes very well.

**CO-CHAIR RENÉ DUSSAULT:** One of the questions that we often ask as a Commission goes a little like this.

There has been a number of studies, a number of inquiries in the field of the justice system, whether in Manitoba, in Nova Scotia, in Alberta, the Law Reform Commission. Most give significant coverage to adjustments to the current system, largely in terms of sentences with sentencing circles.

Increasingly, an interest is being taken before charges are laid in criminal cases, thus diversion, et cetera.

There is also the pressure by [for?] separate justice systems, as you know, of which several commissions have spoken. There is a little documentation

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

on traditional forms of justice in Canada. A lot of work is being done on that, and it is difficult.

In fact, my question is, are you aware of the existence, often it is oral tradition and essentially one has to go around and make recordings, but of documents in any form, oral or written, which there might be in Quebec as to Aboriginal traditions in terms of justice?

**THE HONOURABLE JEAN-CHARLES COUTU:**

There isn't much. The Inuits have made some documents. There is Norbert Rouland (PH) who has written a long document on that, on traditional methods of dispute resolution among the Inuit.

The Aboriginal people don't have a lot. In any event I myself do not know of a lot.

One of the books that I found most impressive is the one by Rupert Ross, "Dancing with a Ghost", but there again it is not necessarily traditional ways of resolution. He tries to share a state of mind, the Aboriginal spirit, ultimately, how the Inuit deal with things.

When we approach Aboriginal people

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

directly with the request, it has been lost, ultimately, these traditions, because of the adoption of the settled way of life, et cetera.

In the document presented by the Crees, Mr. MacDonald, who did one of the volumes, talks about how the Crees resolve problems but that is quite limited.

**CO-CHAIR RENÉ DUSSAULT:** As you know, we held a national round table in which you participated in November 1992 on justice and Aboriginal people, criminal justice in particular.

We came out of this round table somewhat with the feeling that what emerged most clearly as the consensus was to leave a certain amount of latitude for developing projects at the grassroots in the communities, in the justice system, without necessarily establishing a big system, and to find some latitude for these experiments to take place.

In the context of your committee, of course there is some latitude in terms of the present system and it may be that diversion is exactly ...

Parallel to the system that we know in mainstream society, has this been expressed to the

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

committee, this desire to experiment, to have some latitude to go ahead with a separate system?

**THE HONOURABLE JEAN-CHARLES COUTU:**

Completely parallel?

**CO-CHAIR RENÉ DUSSAULT:** Yes.

**THE HONOURABLE JEAN-CHARLES COUTU:** To date, no. I would be surprised if we had such proposals. We have met with five communities. To date we have not heard this desire. The people have become settled, they live among the rest of the population, and feel in fact that they must adapt to the situation they find themselves in at present.

I think that unconsciously they feel that tradition could not be applied right off like that to assist with all the social problems they encounter. I would even say that there are a lot of these traditions that have also been lost.

I believe that it will come back. Once they have taken responsibility within the present system, some of these traditions will come back, or they will try to apply them a little more independently, if you like. But here again I think that we will always have to be careful,

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

there are always responsibilities in terms of respecting the Charter of Rights, et cetera.

But we must not return to practices which should not, in our minds ... such as permanent banishment or things like that. I think that that can no longer be accepted under the Charter of Rights.

In the experience of the Navahos in the United States, in the United States, we often refer to those people as a model, and what strikes me is that they have, ultimately, they have taken the law of the State or one of the States where they are and have applied it completely in their community, and they have not got any farther ahead than we have, ultimately.

They are just starting to adopt traditional methods after implementing an entire system. They have their own bar, they have their appeal court, et cetera, but they are starting to rediscover traditional methods themselves at present.

This is being touted, but ultimately all it is, is a copy of what happened in the American States.

**CO-CHAIR RENÉ DUSSAULT:** But it is

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

evolving. It seems that you are right. They are developing their own Navaho commandment that integrates the traditions, but they had to start with a form they were familiar with.

**THE HONOURABLE JEAN-CHARLES COUTU:** The other factor is that there are 250,000 to 300,000 of them. This is a different scale.

**CO-CHAIR RENÉ DUSSAULT:** Just one last technical question.

Has your committee examined the rate of incarceration for Aboriginal people in Quebec? It is of course very low in comparison to the situations we are aware of in western Canada, where 80 per cent of the inmates in the provincial prisons are Aboriginal and so this calls the justice system into question immediately and overwhelmingly.

The Commission is working on that and it is still a matter as well of people identifying themselves as Aboriginal.

Does your committee have any additional information?

**THE HONOURABLE JEAN-CHARLES COUTU:**  
Well, as we meet with people we are seeing the situations in



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

the communities. I would say, for example, and we are speaking from personal experience, this is not a scientific assessment on our part. That is not our task.

Let's say that generally speaking, overall, in Quebec, I think that we can say, if we are talking about the Indians and not the Inuit, the rate of incarceration is no higher than the rate among the white population.

In the Inuit areas I would say that yes, it is definitely double and perhaps triple. I have no statistics on this but it has increased frighteningly in the last decade.

On the other hand, when we go and meet with the communities, one after the other, we ask them ... a lot of people in prison, et cetera, and in some cases it is higher than the regional average or the neighbouring population, and in other cases it is lower.

It varies a lot from one community to another, but we will not be doing an exhaustive study of that, I don't think. What is important is to avoid anyone going there, to prison, white or Aboriginal. So starting from that ...

November 30, 1993

Royal Commission on  
Aboriginal Peoples

**CO-CHAIR RENÉ DUSSAULT:** Sometimes it helps, it stimulates the authorities in terms of budgets ...

**THE HONOURABLE JEAN-CHARLES COUTU:**  
Absolutely.

**CO-CHAIR RENÉ DUSSAULT:** ... to realize, essentially, that funds can be allocated more effectively than maintaining an excessive rate of inmates in institutions. So it is more in that sense that ...

**THE HONOURABLE JEAN-CHARLES COUTU:**  
Certainly we will point it out but I must tell you that we do not have the technical resources to do all these assessments.

**CO-CHAIR RENÉ DUSSAULT:** I am now going to ask my colleague, Mary Sillett, to ask you some questions.

**COMMISSIONER MARY SILLETT:**

[ENGLISH FOLLOWS]

**THE HONOURABLE JEAN-CHARLES COUTU:**

[ENGLISH - I have never encountered similar] -- forgive me, I am going to speak to you in French, it will be easier.

I have never encountered situations as difficult as this or had knowledge of them in Quebec, except that it does happen, both for white inmates and for Aboriginal inmates who travel around the province before getting to a prison. These are things that do happen and that do exist.

What I would like to point out, in the tour we are currently doing, is that we are meeting not only with Aboriginal communities, but at each place we are trying to meet with judges in the region, lawyers in the region, prosecutors, legal aid lawyers, probation officers, to make them aware of the work we are doing and make them understand

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

that ultimately it is they in the regions who will have to implement what we are advocating in our orientation document, if the Aboriginal communities want it.

You say have more sensitive people. I agree with that, except that in Quebec you have so many judges, so many lawyers, and you have people throughout the province.

We have to try in each region to find people who are more interested, and not everyone is prepared to sit down, to discuss things and have the necessary sensitivity to change the situation in the justice system.

On the other hand, to echo what you were saying, the justice system is also not a panacea. It will be futile to have the best justice system, the best Aboriginal justices, so long as there is no education at the grassroots, there are no jobs, jobs for the people, so long as there is no future for the young people or something, prospects for the future for them, I think that the justice system alone will not be able to solve the societal problems experienced by Aboriginal people.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

The example I often give, the young man, you cannot prevent the young man in Povungnituk from dreaming of having a beautiful Mazda Miata like you see advertised on television. It's superb, a beautiful little car. You cannot prevent him from dreaming of having this little car or having a beautiful Harley Davidson or a big beautiful Honda, except that probably he will never have one, the young man in Povungnituk. So his future is handicapped to some extent.

This is the reason I say that we, the justice system, will not be able to solve these problems on our own.

In terms of violence against women, I believe that we are very aware of that dynamic, that problem. We consult, with our committee, with the Association des femmes autochtones du Québec. We are soon going to be contacting the Inuit Women's Association of Canada as well.

Particularly in the case of marital violence if we want to have sentencing circles we have already decided that we would not do this without alerting associations such as the Inuit Women's Association, so that

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

they could assist us in doing those things.

We really want them to participate in developing the new models or experiments we are going to do. They must not be left out of this.

I should tell you that it is surprising to see the number of women in Quebec who are taking leadership roles in a variety of fields. I find this encouraging. I find it encouraging, and they are taking on increasing responsibility. They are not left out of the system, they are taking part.

**COMMISSIONER MARY SILLETT:**

[ENGLISH FOLLOWS]

**THE HONOURABLE JEAN-CHARLES COUTU:**

[ENGLISH - I have heard about that reconciliation, healing and things like that, it's okay], but I think that that is not the only thing that existed traditionally.

At some point reconciliation and healing models do not work with some people. And definitely we could not, people were expatriated, were banished, or simply were put to death, something like our own society, with a different look.

The entire process of healing in the communities, I think it is an important process at present.

Whether it is traditional, I don't know. It seems to me that it is more psychological than anything else and that no matter what community is faced with the same problems, if it used this healing model, collective discussion, et cetera, it could succeed in achieving this healing, and find a path to the future.

Myself, I do not believe that this is necessarily more Aboriginal or less Aboriginal. It is simply psychological. The fact that people are starting to talk about a problem, that they share their pain together, and share their desires, and share the suffering they may have had, all that is an outlet, a way of being able to free one's self from that pain, and that makes it possible to act

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

better or to function better afterward in society.

Is it or is it not stronger among Aboriginal people, this type of healing? Certainly we refer to it much more in all cases these days. It has been discussed ... but that would work for us, too, it would work anywhere.

Because the communities are isolated, and often live in small groups, it is perhaps more important in those communities.

I will give you an example, in the last speech I gave what Chief Billy Diamond in Waskaganish, some very interesting things, seminars on violence, seminars on sexual assault, on alcohol, et cetera. There are all sorts of programs. You have met with the young women from Manouane who have set up a task force.

All of that will bring about this collective healing, if you will. First you have to break out of the circle of violence, and second, break out of the silence. These are two things that have to be combatted and



November 30, 1993

Royal Commission on  
Aboriginal Peoples

that are very important at present.

COMMISSIONER MARY SILLETT:

[ENGLISH FOLLOWS]

November 30, 1993

Royal Commission on  
Aboriginal Peoples

**THE HONOURABLE JEAN-CHARLES COUTU:** You have pointed out a very important problem in the sense that it is apparent that prisons do not heal people, except in exceptional cases. That is one of the advantages of the sentencing circle we are talking about.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

It makes it possible both to punish the person but also to work within the community, that's what is important, the return ... first, protection of the victims.

I believe that this is the first thing, protection of the victims, who feel threatened, and I can give you a very concrete example that I am now dealing with.

And also the person who goes to prison, if that person has not received the care that is required in order for him to change his mentality, to change his way of being, he might also, when he returns, be supervised on site. And that will require a very significant effort from the community.

With the number of assaults occurring I wonder whether the community is going to be able to tolerate it, and also the extent to which society is going to be in a position to take the numbers. We just can't have a social worker in every house. These are fairly extraordinary problems.

Right now I know that there is a man who was sentenced to prison and who is returning to a village. I got some telephone calls yesterday. I will not mention

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

the village. People there are on the lookout. They know that he will be getting out of prison in two weeks. Everyone is afraid. They don't want him to return to the village, and they were asking me to find some way for him not to come back.

I have no way of doing this, except, of course, if he makes threats or commits an offence that would make it possible to arrest him again.

It seems that at the last minute there are eight or ten women who are prepared to lay charges against him saying they have been assaulted by that man. This is huge. We really don't know how to deal with this, all these problems. In this village there have recently been more than 100 assaults on children.

Everyone will have to put their shoulders to the wheel, I think: social workers, judges, and the community. If the community doesn't do something, if the men don't change their mentality, we are going to have enormous difficulties.

I was in a village in the North about six months ago. There is an old, very respectable gentleman about 75 years old, 70 years old, who wanted to speak out in

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

public before the community and speak to the judge. He wanted to talk, to say why do you make such a fuss about sexual assault? What is much more important than that is that guys with rifles are firing in the air over the village.

This is the sort of mentality. I can't do anything about it myself. I said to the gentleman, listen, I don't make up the hierarchy of crimes but I am telling you that both of them are very important. Ask the ladies who are here, and all the women said yes, what they think about it, this assault on their intimate being. Perhaps they will give you the right answer.

So we are talking from far away, and the justice system is not a panacea for all these ills. We can only be intermediaries in starting to get people thinking and sitting down together so that they can discuss things and try to see life differently.

**COMMISSIONER MARY SILLETT:** [ENGLISH - Thank you very much.]

**CO-CHAIR RENÉ DUSSAULT:** Of course we could spend hours and hours on this subject. We are already late in the agenda.

November 30, 1993

Royal Commission on  
Aboriginal Peoples

I would simply like to echo what you are saying. It is apparent that the justice system is one part of the solution, but there are much deeper and more important solutions -- economic development, getting self-esteem back in the communities, et cetera -- which depend on a host of factors.

We are extremely happy to have had the opportunity to be given some information about the present status of the work of your committee. As you know, the Commission is very interested in the issue of the justice system in Aboriginal communities and we trust that we will stay in close contact in the months to come, until your committee completes its work next summer.

We are following very closely the sentencing circles experiment that is just starting, essentially, in northern Quebec. We know that arranging these things is a delicate process. There are pilot projects that have failed in terms of diversion, both "*non-judiciarisation*" and in terms of "*déjudiciarisation*" or the involvement of communities in sentencing, particularly when we talk about sexual assault on women.

All we can hope for is that your

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

committee will make a report that plots out a direction for the future that will be effective, and we will try, for our part, coming in a few months later, to put it all together in a way so that, we hope, with the cooperation of groups like yours, we can focus as accurately as possible on what should be done in terms of the justice system in Aboriginal communities.

**THE HONOURABLE JEAN-CHARLES COUTU:** Just for information, I could perhaps add this, just how important we consider this to be.

On December 21 we have a full day, there are more than 50 people invited who work in the justice field, including deputy ministers and chief justices, for the entire day, to talk generally about sentencing circles in particular and that entire aspect of judges consulting the public.

All the judges who work in the North, in my region, are invited, as are all the lawyers, probation officers and also interested people from the Justice department.

If you were interested in sending someone to put their face in to see what is going on, we

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

would welcome them. And it's free, so long as they pay their expenses.

**CO-CHAIR RENÉ DUSSAULT:** Mr. Coutu, we thank you for your invitation. We will see whether we can accept it. We are extremely interested in the possibility. Thank you.

I would like to recess the hearing for five minutes. We will resume with the brief from the Union des municipalités du Québec without further delay.

--- Hearing recessed at 11:29 a.m.

--- Hearing resumed at 11:44 a.m.

**CO-CHAIR RENÉ DUSSAULT:** The Royal Commission on Aboriginal Peoples in Canada is resuming its public hearings with the presentation of the Union des municipalités du Québec.

Without further delay, I would like to ask the representatives of the Union to proceed. Thank you.

**JEAN-BOSCO BOURCIER, Mayor of  
Châteauguay and member of the council of the UMQ:** Mr. Dussault, good morning; Ms. Sillett [English - my respect].

On behalf of the Union des municipalités du Québec, it is a pleasure for me to be here to present



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

this brief. This is the third time that I personally have come to present a brief, and as someone I was just chatting with said, I am speaking for myself but also for the municipalities we represent in the Union des municipalités du Québec.

**CO-CHAIR RENÉ DUSSAULT:** Perhaps, Mr. Bourcier, it would be a good idea to identify your team.

**JEAN-BOSCO BOURCIER:** That is what I am getting ready to do.

I have with me Pierre-Benoît Forget, who is the mayor of Deux-Montagnes, and Michel Bédard, who is on staff at the Union des municipalités du Québec. I am Jean-Bosco Bourcier. I sit on the executive of the Union des municipalités du Québec, but I am the mayor of the city of Châteauguay, which, as everyone knows, we border on the Kahnawake reserve, and Deux-Montagnes borders on the Kanesatake reserve.

We are making this presentation, Mr. Dussault, pursuant to a committee that the Union set up of various mayors who are representative of the problems experienced by all municipalities in Quebec, that is, mayors

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

a majority of whom come from municipalities that are close to Amerindian communities.

I would like to go on with the presentation by first providing some background. I did not want to do this at first, but I believe that we will go ahead, we will try to do it as succinctly and quickly as possible without leaving anything out.

Founded in 1919, the UMQ, the Union des municipalités du Québec, is today the principal association of local municipalities, RCMs [regional county municipalities] and urban communities in Quebec. It has about 300 member municipalities which are spread throughout the regions, representing more than 80 per cent of the population of Quebec, and which manage an even more impressive proportion of municipal budgets, 85 per cent, given the mainly urban nature of the municipalities that belong to the Union. And yet we do not neglect the importance of rural municipalities, except that we are an association of municipalities and RCMs that are urban in nature.

The mission of the UMQ is to represent the interests of its members and their residents, and to

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

promote the municipal institution as the local level of government elected by universal suffrage. The Union also tries to be a meeting place for municipal ideas in Quebec and therefore promotes training of elected municipal officials and the distribution of information through its journal, URBA, and its annual convention.

The Union is anxious to contribute to maintaining and enhancing the quality of life in the local communities, and so it encourages discussion of the major issues in society that have an impact for the immediate and long-term future of local Quebec communities. In this spirit, the Union develops close ties with the various actors on the political, economic and social scene in Quebec.

Finally, reflecting in this the evolution of municipal thought and action in the last few years, the Union carries out various mandates for providing services to its members, thereby promoting the proper management of public funds.

The Union des municipalités du Québec would like to thank the members of the Royal Commission on Aboriginal Peoples for the invitation given to us to present

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

a brief on the broad issues of the Aboriginal question.

The Union feels that it is directly concerned in more than one respect. First, the land of some 80 municipalities, mostly members of the UMQ, overlaps or borders on the land of an Aboriginal community. This common border inevitably leads to relations, exchanges and contacts between the residents of the two communities.

Second, these exchanges take concrete form, in some cases, in the provision of services traditionally supplied by the municipality: drinking water, garbage collection, public security, local roads, recreation and so on.

Finally, some of the land claims by Aboriginal peoples affect the territorial integrity of several municipalities. Although this last aspect will be addressed only very partially in this brief, nonetheless, it is the view of the UMQ that the territorial right of the municipalities must be preserved. The municipalities should therefore be closely tied in to the process of negotiating any territorial redivision that would operate to change existing municipalities, even if only partially.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

It is important to note that the Union deliberately left out of this brief some topics of discussion such as ancestral rights that are existing or derive from treaties, self-government and all questions relating to the judicial system. Not because they are of no interest: quite the contrary. Rather, we wanted to contain the discussion by limiting ourselves to problems that directly affect the community, economic and social life of the two peoples and which, in the world of the municipalities, is functional in nature so that otherwise the harmony between our two communities would be illusory and any idea of conciliation and reconciliation might become purely academic.

Need we note that we do not claim, in this contribution, to provide definitive solutions to the disputes that persist today around the claims by various Aboriginal communities. At most, we hope that the ideas discussed in this document will serve as a real beginning for establishing more harmonious relations which carry hope for the future of our two communities.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

The municipalities of Quebec, its history and its values: the existence of local communities with real responsibilities creates the possibility of government that is both efficient and close to the public. This movement has been confirmed over the years by the increasing devolution of powers to municipal decision-makers, who have in the last few years in Quebec acquired almost absolute fiscal autonomy. A brief review of the history of the municipal institution is necessary to understand its roots, values and democratic traditions.

The municipal institution did not exist during the years under the French régime; all civil and municipal administration was handled directly by the Intendant in office in the colony.

Under the British régime the province of Quebec, which became Lower Canada in 1791, was not equipped with municipal institutions before 1840, except in Montreal and Quebec City. Lord Durham, in his famous report dated 1839, severely criticized the lack of municipal institutions in Lower Canada and proposed that they be created in order

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

to decentralize public services. In his view, municipal institutions constituted the basis of any democratic system and sound community organization.

Governor Sydenham shared Durham's views and in 1840 had two ordinances adopted creating a system of municipalities in Lower Canada. The first ordinance made each parish or township with at least 300 inhabitants a municipal corporation. The second authorized the government to create municipal districts which are in fact regional municipalities.

These two ordinances were then repealed by a statute in 1845 which authorized the creation of local municipal corporations only. Thus there could be municipal corporations that were parishes and townships but also villages or towns.

The 1845 Act was repealed by an 1847 Act which terminated the parish and township municipalities and replaced them with county municipalities.

Finally, an 1855 statute laid the foundations for our present municipal system. This Act brought back the parish and township municipalities while maintaining the county municipalities, towns and villages.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

We then had a two-level structure, that is, the regional municipal corporation and the local municipal corporation. This is the structure that is in effect today, except that the county municipality became the regional county municipality in 1980.

In Lower Canada in 1985 there were 428 local municipalities: 394 parish and township municipalities, 29 villages, 3 towns and 2 cities. The increase in the number of local municipalities between 1855 and 1901 provides the most striking evidence of the fact that the creation of municipal institutions was meeting a real need in a Quebec that was in the process of settling the land and developing its resources. In fact, the number of local municipalities doubled during this period, from 428 to 954.

When powers were divided between the federal Parliament and the provincial legislatures in the British North America Act which was passed in 1867, the Legislative Assembly of Quebec lost no time in passing municipal legislation. The first Municipal Code was enacted in 1870. This Code continued the municipal organization set out in the Act of 1855 and at the same time enhanced the



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

powers of municipal corporations.

The Cities and Towns Act was passed in Quebec in 1903, replacing the statute on the general clauses of town corporations that had governed town corporations since 1876.

We then had to wait until 1969 to see new municipal structures established, with the creation of the urban communities of Montreal and Quebec City and the Outaouais, which became urban in 1990. Today there are more than 1,500 local and regional municipalities in Quebec, including about 250 towns.

Values: This review of the main legislative milestones provides us with an outline of the evolution of municipalities over the last 150 years. Of course, this evolution may be seen in the number of statutes which, even since 1903, have amended the Cities and Towns Act, but it is also reflected in the creation of municipalities themselves, particularly in terms of democracy.

Today, it is no longer rare to find that mayors and even, on occasion, councillors are elected by a larger constituency than are members of Parliament,

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

Ministers and even the Prime Minister.

The evolution of municipal democratic traditions, including extending the right to vote, together with the increasingly close attention paid by the media and the general public, attests to the renewed attraction of municipalities and the form of local democracy they represent. No other level of government in Quebec can boast that it directly elects, on universal suffrage of the entire adult population, the person who chairs the executive.

These aspects of the problem remind us, when necessary, that the municipality represents the interests of the local population, that its elected officials are better equipped than anyone in government to understand the messages sent by the public and to meet the needs expressed locally by that public.

These locally-expressed needs are growing in all municipalities, although the breadth or urgency of the problems varies. Some societal trends explain and underlie these needs: people are increasingly mobile, educated, aware of the services offered by other municipalities or in the private sector in terms of recreation, culture, services for the protection of

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

persons or property, transportation services, and so on. These trends create pressure to increase the services provided by the municipality.

After the wave of breakdowns in neighbourhoods and traditional relationships, primarily the family, which has taken place in the last generation or two, the return to community values and concerns is today one reason for the expansion of needs in local populations.

It is easy to transpose these social trends and see them in terms of the evolution of the State in Quebec. The period when the State was taking on ever-increasing responsibility for public services and intervening in the financial or industrial sectors (the 1960s and 70s) prompted and promoted enormous expectations of the centralized State which was then perceived as the source of all the progressive social measures that the public demanded.

In recent years there has been a sometimes brutal awakening for people raised and fed on general principles such as universal free entitlement.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

The State and its service delivery systems are increasingly difficult to communicate with and influence, and so demands are shifted to the local level, where the public has real power to change things if they do not get the hearing and the understanding they believe, quite properly, they are entitled to expect.

Today the centralized State in Quebec is seen by some as incapable of reforming itself, of adapting to the new needs that are emerging everywhere (labour force adaptation, environmental protection, public protection, limits of the tax burden, modern economic policies).

The municipality, which is well established and capable of taking initiatives in its community, and able sustain local efforts for economic and social development, is in a position as an institution to do more for people, provided that the government, grasping the public's interest, helps the municipality to act quickly, better and at a lower cost.

Where relations need improving: This brief historic survey of the evolution of municipal government shows how far today's municipalities have come over the years in acquiring the maturity that enables

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

them now to take on more and more responsibilities.

That does not mean, however, that the higher levels of government, provincial and federal, should renounce their responsibilities, particularly toward Aboriginal people, although they have a tendency to do this in crisis periods by allowing situation to deteriorate to a tremendous degree, as is currently the case with cigarette smuggling, among other things.

We believe, however, that some local problems can be solved by concerted action at the local level.

If we briefly return to the events of the summer of 1990 we can see how deep a division had developed in the relations between some Aboriginal and non-Aboriginal groups. Still today no one can state or claim that the wounds have completely healed over. The many scars from the past seem to want to stay with us, to change shape and take root, whence the urgency of taking action.

Although deep differences of opinion may persist today, nonetheless the Aboriginal people and other Québécois must learn to live together, to live side by side,

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

and to participate collectively in the future of Quebec society. This is a reality that no one can avoid other than by isolating themselves or taking refuge behind their own inertia.

It is in no one's interest to do this. We must, on both sides, try to develop a common will to heal the divisions that are threatening to become institutionalized. This will not bear fruit unless there is first a manifest desire to build healthy relations.

At present there are agreements, both formal and informal, between a municipality and a neighbouring Aboriginal community, although it is impossible to say how many. However, by consulting our membership we have shed some light on the close cooperation that exists in some communities where the municipality supplies the Aboriginal community with services such as drinking water, public security and recreational activities.

The UMQ further proposes, in cooperation with the Ministère des Affaires Municipales, to prepare an inventory of these situations. In our view, these

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

initiatives deserve to be made known to and pursued by other municipalities. This is also an example of a healthy relationship that shows beyond a doubt that it is possible for the two communities to live side by side and conduct discussions on a business-like basis for the good of each community.

The problems: Inequalities that must be corrected.

One would have to be a fool today not to realize that our legislative system, as democratic as it may be, exhibits numerous inequities in addition to concealing major obstacles in the judicial foundations of our society.

This seems increasingly apparent to anyone who is close to events.

In 1876, the year in which the first general statute covering Indians was enacted, which was then revised in 1951, the authorities were already feeling the need to implant a certain degree of protectionism toward Aboriginal people in the legislation. Despite the fact that a number of agreements have been entered into and numerous treaties recognized, this protectionism seems to persist

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

today despite the great changes in our society and the progress in attitudes that has followed.

We must understand that it is not a matter of denying history or ignoring the historical origins of Aboriginal communities. However, we should ask whether it is still legitimate for the higher levels of government to stand behind specific legislation for a class of persons.

Aboriginal people were placed under the guardianship of the federal government, and so is it not appropriate, or even advisable, to question whether this dependency should be permanent? While we can easily imagine that no Amerindian would want, in the short or long term, to terminate the benefits conferred on him or her by this particular system -- educational, health and housing services, tax exemption, et cetera -- we must on the other hand note that the present economic context is compelling the State to rationalize activities, to provide sound, careful management of public finances.

Since the end of the 1980s the annual budget of the Department of Indian and Northern Affairs has been more than 3 billion dollars, two thirds or more of which is paid out in grants or transfer payments to band



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

councils. Is this acceptable when the annual deficit exceeds 400 billion and is approaching 450 billion? The Canadian taxpayer, who pays sales and income taxes, is finding it harder and harder to accept such a situation.

The same is true for municipalities adjacent to an Aboriginal community where a parallel economy is now developing, openly and defiantly, which threatens the existence of many businesses, solely because those businesses obey the various laws and regulations they are subject to. How, and in the name of what right, can we allow ourselves to ignore the government in such a cavalier manner?

What can we do, concretely, to resolve this situation? What methods are we prepared to put in place, mutually, so that the rules of the game will be the same on both sides?

Some Aboriginal people are obviously profiting from this parallel market, but at what price? Although we are aware that the image that is presented or is conveyed might be exaggerated through the media by a tiny

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

group, nonetheless the reputation of the Aboriginal community is unfortunately tarnished.

Changes in the Aboriginal approach: Are Aboriginal people satisfied with their situation, dependent on the federal government? We would tend to say no. How could they be demanding self-government and responsibility for their own institutions and at the same time be agreeing to remain subject to other levels of government?

The legal context should, in our view, be prepared for giving Aboriginal communities and the individuals in them responsibility, which means taking over, taking control of their destiny, and developing fully on the individual and collective levels.

In this context, it is not at all a question of advocating assimilation. On the contrary, the strict right of Aboriginal people to their own uniqueness must remain fundamental and must prevail.

We wonder, however, whether the premises on which the higher levels of government base their actions, particularly in the Indian Act, still have any raison

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

d'être. For example, does the fact that ancestral rights were not recognized and that the white community occupied the territory several centuries ago justify granting Aboriginal people specific privileges, whatever they be?

We are not convinced of this, because the state of dependency and idleness in which they are thereby kept is more an obstacle to their taking responsibility for themselves as a community than a means of development, of self-affirmation and self-motivation as a unique entity.

The role of the higher levels of government: It is clear that the solutions to be put forward must come first from the grassroots, the community. Governments will also have to take on the responsibilities that are properly theirs, and that they seem, deliberately or not, to have neglected in recent years by allowing a situation to fester and grow day by day.

As laudable as they may be, the objectives of reconciling the Aboriginal peoples and Quebec society as a whole cannot be achieved unless the thorny

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

problem of taxation, and its evil consequences, is first solved.

Need we remind the members of this Commission that the level of tolerance has reached its limit among the Quebec public? And it has largely exceeded it in municipalities bordering on some Aboriginal communities. We saw earlier that the local economy, hard-hit by illegal trafficking in cigarettes, alcohol and so on, cannot hope to experience any vitality in a non-competitive atmosphere where the rules of the game are loaded from the outset and favour one class of people to the detriment of another because those people do not obey the laws of the land.

Without claiming to want to wash our hands of it, it is not the job of municipal authorities to get involved in these activities. The municipalities of Quebec cannot claim to be able to solve all the problems that arise within the areas under their jurisdiction. They must restrict their activities to matters delegated to them by the provincial government that are not under federal jurisdiction.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

The question is therefore not whether, for the purposes of assigning legislative jurisdiction over a particular activity, this should be done within a municipal geographic context, but rather whether that activity is within federal or provincial legislative jurisdiction.

There is no doubt that this fragmentation of jurisdiction, as well as all the enclaves and immunities granted to the federal government, frequently causes a serious problem of applicability for municipalities, which are often ill-equipped to deal with such situations. This is why we are sending the clearest possible message to the higher levels of government saying that the legislation in effect must be applied in its entirety to all citizens, Aboriginal and non-Aboriginal.

There is a fundamental principle under the constitutional Charter of Rights and Freedoms that holds that everyone is subject to the law in our society. This principle, which applies universally, must be reflected in Aboriginal communities and, although we must avoid

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

generalizing from the situations that prevail only in some regions of Quebec, cigarette smuggling has now moved beyond borders of some areas. How to remedy this? What solutions can be applied? The higher levels of government must settle the question once and for all, and enforce the principles of fairness guaranteed by our system of justice.

These are our recommendations.

We do not claim as a group of municipalities to have the definitive solutions to a complex problem which is much larger than the interests of Quebec municipalities alone. Moreover, we have already, in the preceding pages, suggested certain approaches that could contribute to advancing this discussion.

At this point, our proposals will therefore be limited to the essential issues and to informing the Royal Commission on Aboriginal Peoples of initiatives suggested by the Union des Municipalités du Québec in a spirit of respect for and recognition of the uniqueness of the Aboriginal peoples.

First recommendation: Give responsibility to the Aboriginal people.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

We believe that it is time for the state of dependency that characterizes the relationship between Aboriginal people and governments to end. It is important to give Aboriginal leaders responsibility, to make them accountable to their constituents.

It must be understood that, like any other citizen, Aboriginal citizens have not only rights but also duties, the first of which is to take responsibility for themselves as individuals and as a community.

The concept of taking responsibility implies that Aboriginal people will start paying for the services they receive on the same basis as the people of Quebec as a whole. In order to do this, they must have the resources, the appropriate management tools, which could be expressed as a redefinition of how certain land is held, participation in the management of certain lands, judicious exploitation of wildlife and of its direct and indirect fallout, tourism, promoting resort development, and creating retail outlets.

The facts we described earlier concerning employment in Aboriginal communities confirm the need to find realistic solutions to this problem, which is

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

amplified by a low educational level, among other things.

The provincial government initiative in regional development reform, which is designed to integrate the various Aboriginal nations into the regional development process, is in our eyes an original and innovative approach to getting each nation involved in defining the broad lines for development in the region to which they belong.

At the same time as the UMQ is presenting this policy, it has expressed its approval for the creation of a regional body open to all regional decision-makers, including Aboriginal people. While we are still persuaded of the need to involve the various communities in such a structure, we have to date observed that their participation level has been low. The most recent statistics reveal that only nine Aboriginal communities had agreed to join the regional bodies.

We believe that this is an initiative that is designed to bring communities together in addition to giving Aboriginal people the opportunity to take on a significant role in defining their development priorities.



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

Second recommendation: Reconsider the specific rights conferred on Aboriginal people.

It is clear that the municipalities must pursue their efforts and initiate a reconciliation with the Aboriginal communities in order to restore social peace within those communities. This is the kind of approach that should be intensified.

This assumes the establishment of contacts between Aboriginal people and other Québécois and a mutual understanding of the perceptions and concerns of each in terms of how to establish harmonious relations. However, hoping to achieve this objective without there first being a systematic revision of the legislation in force which at present confers special treatment on Amerindians (exemption from income and sales taxes, benefits received in the form of government transfer payments, etc.) would seem to be unthinkable in the present situation.

Third recommendation: Create and develop a mechanism for cooperation.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

The Union des municipalités du Québec agrees on the need to emphasize the implementation of mechanisms for developing positive relations between Aboriginal people and Quebec society as a whole and on the urgency of finding a mechanism for promoting such relations.

We therefore believe that it would be advisable to pursue the idea of creating a "*Table de concertation*" [joint talks] which would be composed of elected municipal and Aboriginal representatives, who would have the mandate, among other things, of initiating positive relations between the two communities. It would also be given a role in mediating purely local disputes.

In this vein, the representatives of the Union des municipalités du Québec recently had an opportunity to meet with a representative of the Assembly of First Nations of Quebec and Labrador. The discussions, which were considered to be fruitful and profitable, provided us with a better understanding of the aspirations and concerns of Aboriginal people in terms of their vision as a people and as an entity within Quebec society.

On this point, the mandate for the joint

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

talks could be to initiate such ties with the representatives of that Assembly and thus to establish, collegially, the rules for organizing formal meetings on subjects of current interest and concern for both Aboriginal and non-Aboriginal people in Quebec.

You will understand that while we have had serious discussion on the appropriateness of such an initiative the results need to be pursued and expanded. We are persuaded, however, that this is a worthwhile approach to consider for the future of Quebec society.

It would have the merit at least of addressing the real problems at their root and of prompting frank and straightforward dialogue in the spirit of a desire to find realistic solutions that will respect the uniqueness of the various Aboriginal and Québécois communities.

In conclusion, we have tried in these few pages to highlight a problem that is facing the entire Quebec community. It will be easy for someone to accuse us right off of having focused on issues that seem to them to be of no great significance or real impact, or that affect only a tiny minority. We believe otherwise.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

We accepted the invitation from the Royal Commission on Aboriginal Peoples because we are deeply convinced that the commissioners and the co-chairs want to hear about real problems, problems that people live with in the everyday world, problems that are an obstacle in Quebec to healthy relations between our communities and Aboriginal communities.

The Union des municipalités du Québec believes more than ever in the possibility of a real reconciliation. This is the message we have conveyed. This is the conviction that inspires us.

However, a number of prerequisites are essential to the achievement of this objective. We have discussed most of them. Without claiming that they are the single or only approach that will lead to a breakthrough or a dialogue, we believe that these are at the very least preconditions that require serious thought.

Elected municipal officials are no doubt the front-line actors, being themselves subject to the rules

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

of local democracy. Accordingly, they are in a better position than anyone to begin this dialogue, to encourage reconciliation between the two communities.

The openness that we exhibit in terms of establishing joint talks is meaningful and unanimous. In our view, this is a mechanism that should be tried out.

We are open to any discussion that would have the effect of enhancing and even broadening the mission and vocation of such an effort. This is our respectful recommendation.

**CO-CHAIR RENÉ DUSSAULT:** I would first like to thank the Union des municipalités du Québec for accepting our invitation to discuss the relationship between the Aboriginal peoples of Quebec and the general public. We receive your brief with considerable interest.

Of course I understand from reading and hearing your brief, and you say at the outset, in fact you are focusing this brief on the general concern among the public about its relationship with Aboriginal people rather than on the situation of Aboriginal people in urban communities.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

I understand, of course, that in the context of Quebec this situation arises more frequently in Montreal than elsewhere, given that in Quebec the geographic situation is such that there are several reserves that are adjacent to the territories of towns or municipalities, which brings up the reality of specific relationships.

We are aware, of course, that the Aboriginal communities or reserves that border on towns do have extensive relations. In some cases, as in Quebec City and Wandake, they are employers of what is largely a non-Aboriginal population, and in others they do business with the institutions in the town for education, health services, financial institutions, et cetera, which, much as it would be desirable, are not found in their own communities, which leads to these relations. So there is a not totally separate life, in a bell jar.

We will have an opportunity tomorrow to speak with the Canadian Federation of Municipalities, which is presenting its brief for all of Canada focusing a little more on the idea of Aboriginal government in the cities, and so on the question of harmonizing models of Aboriginal

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

government with the municipalities, or greater participation and influence by Aboriginal people in the cities within municipal institutions, on the boards of specialized institutions.

I say this so as to establish the context for your brief and essentially so as not to come back to this afterward. This is a decision that was made at the Union des municipalités, to address the question from the point of view you have taken.

I know that the Canadian Federation circulated a questionnaire to 200 municipalities throughout Canada, including some in Quebec, and including some of the cities that are represented here.

If you could, at the outset, tell us a bit about why the Union des Municipalités did not go into this aspect of the Aboriginal concerns about self-government, either in the form of a government in urban areas, or in the form of an Aboriginal government, or of greater influence on education and health service institutions, et cetera, in the cities, and concentrated more on the broader problem of the relationship and obstacles to reconciliation.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

Perhaps you could first give us some additional information on this point.

**JEAN-BOSCO BOURCIER:** It would have been easy for us, for me in particular, for example, because we encountered a very complex and difficult problem in 1990, we could have, and perhaps Mr. Forget will pursue this later ... personally, I could simply have dissociated myself from that by saying that I have my problems at the local level and my Union should get itself together and present a brief. Except that that would have been playing ostrich.

We must not believe that relations have been restored in Châteauguay and Kahnawake. I am not speaking to Mr. Norton, not because I don't want to speak to him: how do we find an way to together? What position should we take, both of us, to deal with these purely local problems?

When we take the example that we have in our community, and Mr. Forget will be able to talk about this for his community, and we try to transpose it to, for example, Sept-Îles, we cannot have a common vision of all the problems. So we said if we want a common vision of all the problems, we are going to get away from the more



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

specific problems, concentrated around Montreal.

We could have dealt with a very specific aspect of the immediate Montreal region and dealt with all the other problems in Quebec. So it would not be the Mohawks, for example, it would be all the other nations.

We could not agree on this and we preferred to be a bit more all-encompassing in terms of the problem and we said, there are problems at the local level, we have a problem at the local level in getting together and sitting down together. Could we not rather say the message we are saying, why not go to a level a bit higher and do it from top to bottom, that is, start the discussion at the grassroots but take it up to the level of the First Nations, and since we represent an association of members called the Union des municipalités du Québec, perhaps we could say yes, now we can go to the local communities and perhaps find some approaches to finding solutions.

At least it has to be possible at the top ... because each time you want to talk at the local level, if the message to go talk to the higher level is not

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

passed on, the effort is wasted. We said it is a better idea to put it to the higher level of the Assembly of First Nations, which will make the demands, and for our part we will put pressure on the higher level, and this will perhaps bring about a better beginning for the dialogue.

**CO-CHAIR RENÉ DUSSAULT:** Yes, Mr. Forget?

**PIERRE-BENOÎT FORGET, Mayor of Deux-Montagnes:** First, in preparing the mandate with the task force, we deliberately avoided making pronouncements and mixing in other people's jurisdictions both in terms of the political hierarchy, federal and provincial, which has for decades if not centuries been discussing various Aboriginal claims, and in terms of ancestral rights or land claims.

We do represent about 80 per cent of the population of Quebec living in towns, and so we did, however, have to speak out against what is happening now, what we see, what is largely presented incorrectly in the media, we believe, because where it leaves the most scars is

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

in the daily life of the people around us, the Aboriginal and non-Aboriginal communities who live side by side there.

We really believed, because the only thing we're told about is the extremely nervous situations and insurrections, which I call local, in other words, the 1990 crisis and everything that followed it, the various barricades that might have gone up and the sensationalist activities that we saw there.

For us, there is before the crisis and after the crisis, and there is before the events and after the events.

In all respect for the rights of Aboriginal people to autonomy to freely assert the claims they make to their rights, nonetheless we have to deal with some very down to earth situations.

The municipalities are the governments closest to the public, we get tired of saying, and yes, they must work within very tight budgets. The only places where there is no deficit is in our municipal budgets. But we

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

still have to live day to day with our Aboriginal communities.

We believe, through the recommendations, including the main recommendation, establishing joint talks, that while the big debate has been going on for decades and decades and will probably continue for decades more in terms of the actual land, we can maintain harmonious relations with the communities that, to date, the Mohawk communities, have mostly made the most obvious and publicized representations in this respect, while applying the same scenario in the communities.

For example, Mayor Dion who sits with us, who is unfortunately absent today, who [deals?] with the Montagnais communities of Uashat and Maliotenam, the concerns are so different, but there are situations of conflict with project SEM-3 and the protection of the Ste-Marguerite river, just as Mayor Munjourn (PH) of Roberval, who is close to Pointe Bleue, a Montagnais community, sees things differently again.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

We have to deal with day to day life, and in the context of the discussions we are going to have with you today, with the Commission, we cannot express our opinions. We should not express our opinions on the big legal issues that are completely outside our jurisdiction, that are in the hands of the provincial and federal governments on this point.

On the other hand, we have real problems and we must attack them. We want to restore the serene atmosphere we had before. It is important to say that we did have it. Myself, I am from very close to the Oka region and I am now Mayor of the town, which has English language educational institutions where most of the Mohawks get their education, and we have always lived in perfect harmony in this, except that today a new atmosphere has settled on us, on both sides, both the non-Aboriginal and Aboriginal side.

We wonder why we could not go back to the serenity that we had before simply because we have to represent something, defend something, wear the hat, defend the great ancestral principles when we talk about them, and the territorial or historic principles when we talk about us and them, here again.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

In short, in the everyday things, the municipal activities referred to earlier by my colleague on the right, this is where we must seek harmony today. With the meeting we had with the representative of the Assembly of First Nations, the chief who was just with us, who was here, we proposed, we said here, we are a force, we think we are a force.

We represent 80 per cent of the non-Aboriginal population of the structured part of Quebec, if you like, without discussing whether or not some people recognize us. If we support on you, and in exchange we ask for your support for setting up a set of rules, working conditions and relations that could ensure that our children, our women, our men within a societal framework, that both sides must respect our customs and all that can continue to work together. That is the goal. And the big debate goes on.

As for us, we want to restore peace, serenity and harmony in everyday life, in day to day live, in our respective areas. Ultimately, that is the goal. Forgive me, I have gone on a bit.

**CO-CHAIR RENÉ DUSSAULT:** Thank you.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

I would perhaps like to have some discussion on two questions that are central to your brief.

The first deals, and in this you are expressing a concern that is widespread among the general public in Quebec, as elsewhere in Canada, on the question of transferring responsibility, the Aboriginal people taking charge of their destiny, being masters of their future. So you ask questions about the special legislation concerning Indians, the existence of specific benefits, et cetera.

I believe that there is a more or less unanimous feeling in Canada, among both Aboriginal and non-Aboriginal people, that Aboriginal people want to escape their dependency on governments, in particular the federal government, and non-Aboriginal people want the same thing, essentially, if only to reduce the share of public budgets and see some light at the end of the tunnel.

The money spent, you refer to that. The Commission is going to try to establish the costs of the present system at all levels of government. Of course this is largely social assistance money and not productive.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

There is no light at the end of the tunnel. We start over each year and develop a more aggressive relationship.

It is one thing to say this. My question, essentially, and this is a discussion we have had with many parts of Canadian and Quebec society, is how do we get there.

We often have the impression, and this is not the case in your brief, that a magic wand will be waved and Aboriginal people are going to be able to tax for services, are going to be able to have economic development to develop themselves in societal, cultural, social terms, et cetera.

What you say in your brief is that there are steps that can be taken so that this will change. One of the big problems in the 1969 White Paper that had been proposed by the federal government at the time was that at the same time as giving Indians, because this related to the Indian Act, Aboriginal people, the right to vote for the first time, it opened up the reserve system and said you are going to be full-fledged Canadians with nothing in return to



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

make the transition in terms of collective rights, in terms of social protection and protection of languages and cultures.

So that brought about a considerable response. It was seen as a final attempt at complete assimilation, if not genocide. I think that today we recognize the distinctiveness, the difference, which must be respected.

Yesterday we had the brief of the Forum Paritaire which was to that effect. The issue is to find methods for providing a measure of self-financing, where all the budget doesn't come from the federal government, but there is an economic infrastructure, individual autonomy.

You talk about extending aboriginal lands, a number of proposals, judicious exploitation of wildlife and its direct and indirect fallout, tourism, et cetera.

Fundamentally, because this is where both Aboriginal and non-Aboriginal people agree, there are important things that we are going to have to do as a society if we want to move in that direction.

The United States took some steps in

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

terms of land claims well before us, for the reason, among others, that the Aboriginal people were concentrated more in the south and so the situation arose in a more immediate manner.

There were also controversial measures, such as the law that permits the establishment of casinos on Indian reserves in the United States which puts pressure on the Canadian situation.

Essentially, has the Union des Municipalités given more concrete thought, for example, we have a discussion on royalties on resources rather than lump sum payments and we go to your community, you are still spectators, we compensate you, in a way, but you are not partners in the resource. That is, in a way, how way we have behaved in respect of mines, forests, electricity.

We have come to the heart of the debate which would, in effect, allow for measures to be taken to give some degree of self-financing to the Aboriginal people, that will allow the public budget to be reduced, and will provide a source of pride.

Could you elaborate on that? You mention it as a principle and in passing a number of points,

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

but do you have any deeper thoughts on this issue, which is truly at the heart of the debate, and is a difficult one.

**JEAN-BOSCO BOURCIER:** Certainly there would be areas which could, in my opinion, be exploited by the Aboriginal peoples. I would take tourism, for example.

As curious as it may seem, since 1990 when European tourists, among others, come they don't come to Châteauguay, they won't see much, or they may want to go to Kahnawake. But there is no tourism infrastructure ... so this is not the way to encourage promoting this idea of tourism.

Myself, I would see that there could be agreements with the Government of Quebec, among others, because we are talking about all of Quebec, where we could have, not on a trial basis, it could be part of a pilot project except that in terms of time it would have to be over a fairly long period to give them time to put these structures in place there.

It is said that tourism is one of the premier Canadian resources, and in fact every country says

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

that without tourism they have trouble meeting their financial responsibilities. Would that not be an avenue to explore and which would be recognized, I think, by the white people around it.

If tourists want to go onto Indian land, and in my view they have extraordinary things to teach us and to introduce us to. Myself, when I was young I went onto the Kahnawake land. I was always excited to see how the women and the Indians received us. It was friendly.

That got spoiled with time. I don't want to rehash the past. Certainly when we talk about Mercier Bridge and the St. Lawrence canals, railroads across the land, this is not something that will improve the community itself, except that it is done. We're not going to take away Mercier Bridge and the St. Lawrence canals and take away the railroads from that land. They are there.

Except that there are still, in my view, things that could be exploited and that would be accepted, I am convinced, by tourists, getting to know a people, getting to know their culture and also that will be profitable for

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

them, one way or another, because tourism will also bring in another sort of business.

When we met with the band council officials, what they talked about was assistance in terms of the economic approach, how we could do business. There is a port, there is a seaway, there are railroads, there are connections, major communications networks.

They could surely, with the same money, I am not saying that what they have should be taken away, but with the same money, but present it in another form, get them to understand what they could do. The perception is that they are, to some extent, that at present they are bandits who exploit the Aboriginal people. And I think that the Aboriginal people themselves, the real people, the ones who are in the community itself, certainly do not accept this. And that is frustrating, both for them and for us.

I believe that we could give them ... through the Industrial Development Corporation a modern industry could be established on Aboriginal lands.

It had been suggested to us, and that

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

came from Aboriginal business men, that General Motors could have a unit for, I don't know, making seats for certain kinds of cars, something that is done. That could be done.

And they would certainly make a profit because there are Aboriginal people who are in business. And take the example of that and transfer it to a larger scale.

To start with I think that in terms of tourism there would certainly be an opportunity to make profits.

**CO-CHAIR RENÉ DUSSAULT:** In your brief, you talk about the initiative of the Government of Quebec in bringing Aboriginal people together in terms of regional development, and that that has worked a bit ...

**JEAN-BOSCO BOURCIER:** That hasn't worked in our region.

**CO-CHAIR RENÉ DUSSAULT:** In Quebec in the last year there have been major demonstrations at the regional level, with a certain feeling of alienation.

In the context of these demonstrations, is there any possible solidarity with the Aboriginal people, or in addition to the regional alienation from certain

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

ecisions of the central government, is there also a local division at the regional level in respect of projects? Of course this happened on the north shore.

How can you try, as the Union des Municipalités, to do something so that this reconciliation, in terms of regional issues, will come about and doesn't operate to accentuate the division further?

Have you thought about that?

**PIERRE-BENOÎT FORGET:** Here, you are kind of asking us to tell you about our thoughts on what government policy should be, particularly the policy that is best known in Quebec, the provincial government policy in respect of negotiations with the Aboriginal peoples on the big energy projects.

We see, I am entirely in agreement with my colleague on the right, that the traditional compensation for a community to support a project, apart from pecuniary or monetary compensation, was to give them certain specific rights to operate outfitters, to build recreational and tourist facilities. Today we talk about interpretive nature

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

centres, things like that.

But that certainly didn't mean that before making these concessions on a closing or a settlement there were basic infrastructures and structures in the communities that may agree or be ready to work on this to develop economic working models and so do something like that.

Personally, and I offer this totally gratuitously, so long as there is no real partnership prior to these big discussions where there are settlements that impose things like this, tourism things, which would be extremely valuable sources of income, means of protecting our environment and so on, we will still be working without a plan and we will never be certain that the aboriginal communities that receive this compensation will profit from it as much as they can.

This is more or less what we want to get at, when we talk about giving them responsibility, which would give them a sort of legal personality. If I go back for a moment to the brief, when a community, when a town or a municipality makes an agreement with an Aboriginal



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

community or an Aboriginal reserve on, for example, the joint operation of recreational infrastructures such as an arena, let's say, our legal relationship is not the same, that is, our remedies against our Aboriginal colleague in terms of, for example, non-compliance with an obligation under an agreement are not at all the same as they have against us.

They could even, quite properly, rely on the common law while we can only complain to the band council and perhaps appeal to the Minister, and the time it would take would be absolutely unbelievable.

This prompts us to say, again, let's use the joint talks to find some methods or structures that are acceptable to both parties, creating a partnership that would not necessarily involve substantial sums of money but services to the community, there we would have a basis for agreement on the partnership that is needed in both communities because today everything called community services costs very dearly, and with the shifting, as you know, of responsibilities from our provincial governments

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

onto the municipalities, it is more necessary still to have sound management, to rationalize, and we clearly need each other.

So this is why we always want to absolutely get away from the wall that has been imposed on us, of non-recognition of our laws, our rights, our lands, and that these facts vindicate ancestral rights and all that because this is not the purpose of our meetings, it is not the essence of our problems, it is not the essence of their problems either.

Social problems exist on both sides, frightening economic problems on our side, no better on theirs. What we say is, create a body of people in the community, people ... we are not political representatives authorized to negotiate on the big issues, but rather negotiate everyday life between our different communities.

So yes, lay the foundations for talks that could create a partnership and a base through economic development corporations, it is starting, it is in the

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

embryo stages. But there has been a setback, it must be admitted, in situations and sectors that could be described as nervous, which unfortunately involve only the Mohawk communities.

This may be what is kind of waking everyone up to want to sit down and talk as soon as possible, but strictly at that level. This is the very, very clear message that must be passed on.

So long as the big issue is not settled we cannot ... it is unacceptable for us because it should be unacceptable for them, because they have the same fundamental problems as any society that is living in the present North American context.

**CO-CHAIR RENÉ DUSSAULT:** I think that the recommendation you are making and the desire that is expressed, unanimously you say, in the Union des Municipalités, to cooperate in talks, to participate fully in joint talks is extremely important. As well, I believe that the process that has been undertaken with the representatives of the Assembly of First Nations of Quebec is also a route that should be pursued and explored.

However, you say in your brief that

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

achieving the objective that would to some extent be the goal of such talks would seem almost unthinkable unless there is first a systematic revision of the legislation in force and the things that give Amerindians special treatment. This is something more long-term. This was my first question.

To do this there must be something in return and economic and resource development and autonomy. But in the meantime daily life goes on. You repeated this, you told us in Montreal, there is no mechanism for working jointly, specifically in terms of Châteauguay and Kahnawake, but more generally.

It seems to me that some work is going to have to be done on both questions.

**JEAN-BOSCO BOURCIER:** Yes. We ourselves tried, after the 1990 crisis, we set up community orientation talks with a chairperson whom we said was neutral, with the various leaders of all the communities around Châteauguay, excluding the mayor. We wanted to depoliticize these talks. This was practically three years ago.

The talks went ahead in fits and starts

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

but there was nothing in return. On occasion we had representatives from the Mohawks who came but did not get very, very involved. They came maybe as observers from time to time.

The last incident we had was with the gas stations. There was some rather violent reaction to this, in that on the one hand there was a roadblock again, but on one side of highway 138 and on the other side of highway 132, for three hours.

So then there were media demonstrations, for example, accusing the Chamber of Commerce, which had distributed shop at home pamphlets. We had a permanent trailer with red and black printing saying that the Chamber of Commerce is racist and doesn't encourage whites to go and shop on their land, while we wanted them to come and shop in our community.

This problem is an everyday thing. The political power we have is limited in terms of the action we can take.

Other examples that go on regularly and that we attempt to defuse, for example, in respect of

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

draining common land, where there are natural waterways that are blocked by beaver dams on one side and we wanted it to be cleaned up on the Aboriginal side, but they said we won't get federal money or grants to do it. That would have to be additional money. What happens for us is that our houses are flooded.

How to get together on these problems, because they happen every day -- fishing on the St. Lawrence River, hunting on the St. Lawrence River. These are all problems that we would really like to sit down with the band council to discuss but we don't have either the will or the necessary mechanism at the top for this to be flexible. It's complicated and it's ...

For example, the last problem we had in terms of irrigating a vast area of land which was flooded by our seasonal floods, it took two years with the Minister of the Environment to solve the problem, and it still cost \$150,000 to solve it.

We have some ties, some relations with certain band chiefs, but with the political institution, in the Aboriginal community or on the reserve itself, it is being challenged as we in our way challenge our government.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

There are different parties, there are different ideologies.

On the white side we are somewhat surprised that this goes on on the Amerindian side, when it should be understood, it should even be taught in our schools. But what I learned in school, I hope they are not teaching my children and grandchildren that. It was tomahawks and scalping and having fun. I found that aberrant.

I think we have changed since then. That mentality has changed. But at the political and economic level we will have to make plans, and as we were saying this must not be sporadic, it must be rationalized and accepted. I hope that we are going to succeed in doing this.

**CO-CHAIR RENÉ DUSSAULT:** I think that you give a very clear picture of everyday experience.

The difficulty at present is that we cannot solve these problems because no one is talking to each other, because of a debate that is broader, more political, in the sense that it goes beyond municipal government, of course.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

Perhaps one final question, because we could spend hours on this.

Clearly you raise the question of the applying all legislation in force, in its entirety, to all citizens, whether Aboriginal or non-Aboriginal. This is an important concern.

Of course at present in Quebec, apart from the principle that is expressed to higher governments, do you have anything additional to say to the Commission?

**JEAN-BOSCO BOURCIER:** I consider it to be unfortunate, for example, in terms of taxation. Myself, I understand that Aboriginal businesspeople, and even non-Aboriginal businesspeople, do not want to collect that tax.

Because of the proximity and because the stakes are very high, close to a large centre with 2.5 million people, a rebate when the sales tax is collected, for example, on both sides. If I am Aboriginal and I go and buy something from a white person, a businessperson, who says "show me your band number" and deducts or does not charge the tax, could there not be some rebate for that contract?

And the same thing on the white side.



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

When we go to Aboriginal communities of course the collection of the tax is a non-issue. But if there were some form of rebate, we have never operated at that level, would this not be one way of saying, yes, because of the proximity, because of an area of land that would perhaps be circumscribed there could be a form of rebate, and instead of the governments losing a tax, right, it would perhaps cost them a little more to collect it, but at least they would be collecting something. Now, there are losing it all. And what is the result? The result is what we have now, in both the white and the Aboriginal communities, the black market and working under the table and smuggling. This is not going to improve our two communities.

**CO-CHAIR RENÉ DUSSAULT:** Thank you.

[ENGLISH FOLLOWS]

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

**CO-CHAIR RENÉ DUSSAULT:** Thank you. I believe that one essential point that was raised is the possibility of legal pluralism so long as we are in harmony with the people around us, our neighbours. This is really the issue in terms of municipalities.

We will have the same problem, the same reality, with reserves in urban areas, because increasingly, Aboriginal groups are purchasing land in municipalities and seeking reserve status, and that requires raises the issue of harmonization with the municipal by-laws of the town and what happens in reserves that are urban, not adjacent, but actually in the downtown.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

This is a matter that essentially requires some relations. The difficulty that we have at present is that there are no relations because there is no mechanism and no communications, and the possibility of dialogue, so that if through the meetings you have begun with the Assembly of First Nations, and so on.

Certainly the idea of these joint talks, we have examined this very closely at the Commission because we cannot, on both sides, continue to sit frozen like that.

That is no good for anyone. We find ourselves in a sort of a dead end road, particularly since 1990.

Once again, thank you for your thoughts and your contribution. There are some preconceived ideas on both sides. A lot of public education is needed. Often there are perceptions that completely distort relations.

The Commission is going to try to clarify the facts in terms of quite a number of things.

We hope to stay in touch with your organization over the next year and please do not hesitate

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

to contact us and provide us with any additional thoughts or concrete action that may take place. We hope that the situation and the climate of relations will improve, not only in Montreal but also more broadly in Quebec.

Thank you.

The Royal Commission on Aboriginal Peoples in Canada will resume its public hearings at 1:45 p.m. with the presentation of the Fédération québécoise pour le saumon de l'Atlantique. Thank you.

--- Hearing recessed at 1:00 p.m.

--- Hearing resumed at 2:04 p.m.

**CO-CHAIR RENÉ DUSSAULT:** The Royal Commission on Aboriginal Peoples in Canada will resume its public hearing with the presentation of the Fédération québécoise pour le saumon de l'Atlantique, Bernard Beaudin.

You may proceed.

**BERNARD BEAUDIN, President, Fédération québécoise pour le saumon de l'Atlantique:** Thank you.

Ms. Sillett, Mr. Dussault, I have with me Edmond Malec Lalo, who is vice-president of the Fédération québécoise pour le saumon de l'Atlantique. He is

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

vice-president of the regional council for the lower North Shore.

The Fédération itself, to give you some explanation, is made up of seven regional councils which essentially, I would say, cover Quebec, wherever there is salmon or also wherever there are users of Atlantic salmon.

The Fédération seeks to bring together all people interested in conserving and developing Quebec's salmon resource. As such, it is not solely an association of salmon sport fishermen. It may also include, and it does include, municipalities, RCMs, tourist development corporations, individuals, private companies, corporations and, naturally, representatives of Aboriginal people, and particularly the Montagnais.

The Montagnais are members of the Federation at various levels, as individual members, associate members, managing members and political members as well in these structures. As political, I mean like Mamiténuat (PH) or the Conseil Attikamek Montagnais.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

There are representatives on the board of directors and also on the executive committee of the Fédération québécoise pour le saumon atlantique. I would say on this point in the Federation there is no Aboriginal problem, nor are there Aboriginal affairs. There are Aboriginal people who look after their affairs within the Federation.

I have the impression that as we go along, of all the talks I have taken part in in Quebec, various talks that were seeking to build bridges with the Aboriginal people, that the Federation seems to be an almost unique example of joint effort and discussion.

I would also like to draw your attention to the dynamics of the Federation itself, which is an organization that is seeking to get people to work together. It organizes conferences, conventions, benefit dinners every year. This year, at present, we seem to be in a consultation phase which we call the "*états régionaux*" [regional congresses], and next week we will bring the regional congresses together, and next year the general congress on salmon, at which the Montagnais, in particular, are actively involved.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

In our organization, working together is what I would say is the essential dynamic of our Federation.

You know, salmon is a migratory fish, it is a fish that travels across the oceans and what we say is that we don't need to manage salmon. Salmon know very well how to manage themselves.

If a salmon is born in a river it knows that after several years it will leave that river, go to the ocean, get fat and come back a year or two or three later. It will find its way. It may be thousands of kilometres from its birthplace, but it will return to its river.

The whole problem that it will encounter will be problems caused by bipeds, essentially by the human species, in large part. And so it is going to be subject to a lot of harvesting.

I must say that the light we have shed on this harvesting also has been, I would say, one of the things that has succeeded in eliminating what I think is a very strong prejudice that existed in Quebec concerning Aboriginal harvesting of salmon, simply by reminding you that all the harvesting done by what are called white people represents 95 per cent of the salmon harvested, at a

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

minimum.

Of course the conservation of salmon could not depend essentially on the residual 5 per cent which might represent Aboriginal harvesting. Essentially, when a resource is harvested in so large a quantity by a group I believe that it is that group that must be targeted for action first if we want to solve the real salmon conservation problem.

This is something we addressed head-on, and we had the courage to say to people around us who were arguing that the salmon problem is an Aboriginal problem. Of course we had to tell it like it was. And this is something we are still saying, because, you know, prejudices are tenacious and often it is easier to identify an Aboriginal poacher than a white poacher.

If I think about the entire dynamic around Restigouche I could tell you that the village of Ste-Florence has such a tradition of poaching, and the present manager, Victor Tremblay, who is another vice-president of the FQSA, could tell you that more salmon disappear in the Matapédia River from poaching than from sport fishing, and



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

that this poaching is done by whites. So 1,500 salmon disappear every year from poaching.

So that is also a problem, and it is a problem to which we will be attending. It is not just, in other words, the portion of the harvesting done by the Micmacs in Restigouche. Quite apart, I would say, from the claims made by some. But it is something that we have to repeat continually if we want to get any real action on the salmon resource.

We remind you that salmon naturally start in Greenland and that there as well there is Aboriginal harvesting of Atlantic salmon which may be born here at home, because there are Inuit who harvest them, but in much smaller numbers, I would say, than the catches made by ships out of Denmark. As well, fishing has been halted in Greenland and this will probably now last five years.

Newfoundland also harvests our salmon in huge numbers, and commercial fishing has also been halted there, in Newfoundland.

In Quebec, there is only a bit of commercial harvesting on the lower North Shore for the

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

present. Most was bought back this year on the North Shore.

Several things are now being done to ensure conservation of the salmon, to some extent throughout the world. There are organizations like NASCO, which is a cooperative organization for North Atlantic Salmon.

So the salmon have forced people to communicate. We also say that the salmon is a species that forces communication.

As I said, we do not manage the species, we must manage ourselves. Everyone along the salmon's route must manage themselves, and each and every one of us has responsibilities toward this resource.

I would say that it is solely by recognizing the obligations, but also our duties, but also our rights in relation to the resource, that we can decide on real action in relation to that resource.

I would say that in a federation like ours discussions will be undertaken not only with Aboriginal people. Discussions must also be undertaken with the United States, Newfoundland, Greenland, with a whole list of the

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

parties involved pretty much around the world, to ensure the survival of the salmon.

In this respect, the Montagnais wanted to play, and are playing, a fundamental role. Some rivers on the North Shore run through their lands, right through their reserves, or alongside their reserves, and naturally represent to them an entire set of values, traditional values, spiritual values, and also economic values.

The Atlantic salmon which, through sport fishing, may bring in 500 dollars apiece for the community, because sport fishermen will spend a lot on this, also represents to them a hope of economic development and jobs, and job creation in areas like the North Shore is not something obvious. A job is not created on the North Shore as easily as it can be created in Montreal or Quebec City, of course, and management of the resources, and, I would say, sustainable management of these resources, is essential.

I believe that the Montagnais have demonstrated, demonstrated clearly, their capacity to manage this resource in what I would call an extremely effective

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

manner. I am thinking, among other things, of the Mingan River, a river which has been restocked by the Mingan band ... where the Mingan band has for six years prohibited any harvesting for the period in which, and also we recommend for restocking our rivers that all harvesting be stopped during this phase, the restocking phase, while we allow the salmon stock to rebuild and replenish.

What they have done, with tremendous effectiveness, they have gone back to harvesting a certain number of fish either for food or for sport, to create jobs, but also to meet the traditional needs of the people and to manage the whole complex social situation there.

They are doing it in an exemplary manner on the Natashquan. They are doing it, and this must be pointed out, there is a river in Quebec which is co-managed, because there is a sizable white population on the Escoumins and there is a ZEC which is under delegated management, and which is managed by a bipartite committee made up of equal numbers of Aboriginal and white people in a management structure that provides access for everyone, but the two communities both derive equal benefits from this management.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

All these activities, I would say that the purpose of what the Federation does is to implement them. I believe that we have to count on everyone's mutual goodwill to establish a genuine dialogue and recognize, I would say, everyone's efforts.

I tell the white managers, the Québécois managers, that the problems of an Aboriginal manager are much greater for him or her, because not only must he manage I would say, a business that must provide a tourist with proper facilities, because the sport fishing industry is a tourist industry, but he must also, at the same time, manage cultural change, and a society that wants to preserve its roots, a society that wants to preserve some of its traditions and its ties to the salmon, which means food fishing, and to ensure that this resource remains in sufficient quantities in the river for future generations.

This is essentially what Aboriginal managers are faced with, and this is often what we forget. Everything we are asking for in terms of effectiveness, all of these qualities, the talents that we ask for, often are

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

much more than we ask of the whites in managing an identical situation, if you like.

So this is something that is very easy for us to recognize and we recognize very well. And it is something that we find it important to say, because it is not easy to find someone who is capable of being both a business manager, but also an agent of change in his community, of being, I would say, practically a social worker, and also a negotiator, because a whole lot of things are negotiated in respect of Atlantic salmon in the reserves in Quebec.

I think that this whole situation, the Aboriginal people find that in the Fédération they get understanding, consideration, mutual respect, and an understanding of cultural differences.

The Federation also recognizes from the outset that the resource must be allocated with a view to conservation. In other words, we must have ... you know, it is important to understand clearly the dynamic of a river because a river may produce 10,000 salmon a year. Of these, 5,000 must be retained for conservation. There are 5,000 others that can be used for other purposes.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

So the first allocation is for conservation, and everyone is agreed on this.

The second allocation is for food fishing.

So the Federation, which is itself a federation in which a majority of members are sport fishermen, recognizes the primacy of food fishing over the primacy of sport fishing. And after that it recognizes sport fishing and, after that, commercial fishing.

It should be clearly noted that this did not necessarily happen spontaneously, this dynamic and this understanding. Ten years have been invested in it, but it was essential if we wanted to have people and a population and an entire society in the Federation that has a fundamental role because of its location along the salmon rivers, because of its traditions, because of its own role and its own responsibilities toward this resource, and also its hopes.

The question has been asked, is there hope, is there a future somewhere for the Aboriginal people?

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

Yes, there is a future. Of course the salmon are not the whole future, but they are a part of the future.

The salmon are a part of the future to which they are entitled, and I think that we must recognize this and share it. But that demands continual effort. We make the effort, and we ensure that this is made clear in the Federation.

I would also draw your attention, and I have brought an example, to the fact that the Federation's promotional pamphlet is in French, in English and in Montagnais. This is something that we thought was essential for a group that is really quite sizeable in the Federation.

The magazine "Saumon Salar" which is published four times a year, and is devoted to salmon, regularly discusses Aboriginal viewpoints. As well, the next issue will be largely devoted to the Aboriginal dynamic and situation.

This magazine, I must say, is very high quality. Among other things, there are specialized issues, like the one you have in hand, which is the entire legal



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

situation concerning salmon rivers. We put a lot of time, I would say, into documenting the entire dynamic of everything relating to salmon. So there are not just the social aspects, there are also the legal aspects and the various aspects apart from political aspects.

At our conferences, like that one, that is the proceedings of the conference of the Federation held in 1992, which is a collection of the most significant scientific articles where we had the most important scientists in the field of salmon come from around the world, including addresses by Edmond Malec on what we consider to be essential, salmon cannot be managed by a biological approach, it must also be managed in its social connotation.

I would say that the social dynamic we have explained is, first, the Montagnais dynamic on the North Shore. This document has been distributed throughout the world. To us, this is a part, I would say, of the efforts we are continually making to ensure that ... you know, you can never stop. You must continually break down prejudices, and you are continually confronted with prejudices.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

To close, because we are going to let you ask all the questions you like after that, and we are ready to answer them, you know, in the Restigouche area, Victor Tremblay, who is an extremely dynamic vice-president, I would say someone who puts an enormous amount of work into the development of his region, Victor is currently trying to establish joint talks, precisely so as to create a regional dynamic, including the Restigouche band, outside the government. This is difficult, because people are reluctant.

You know, the 1991 events in Restigouche did not improve relations around there. As well, the Montagnais on the North Shore would like to set up joint talks on the Moisy River, and the whites refuse to let them.

You know, the doors are not always opened or closed by the same side. I can give you concrete examples of that. Where we go, one, on the one hand asking the Restigouche band to please participate in regional joint talks, naturally with people from the community, but where we go and ask people from the Moisy River, the association of managers of the Moisy River, to please agree to having a

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

new member, the Sept-Îles band, essentially from Maliotenam, once again this is unacceptable. But we will approach both cases with the same diplomacy to ensure that the bridges are opened.

I will close with that. There are still efforts to be made, so that the bridges are not closed. I would say from 1990 to 1992, despite everything that happened, the Federation, it is perhaps a question that would arise, I would not say that we have never had any setbacks in our relations with the Aboriginal people. I would say the worst that has happened is perhaps that we marked time for one or two years, but things have started up again even more effectively now.

Thank you for your attention.

**CO-CHAIR RENÉ DUSSAULT:** Mr. Beaudin, Mr. Malec, we thank you for coming to meet with the Commission and for presenting this brief and the additional information.

I think that you have certainly presented us with a success story that is never completely finished, as you say, but it is apparent that if we compare the presentation we had this morning from the Fédération

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

québécoise de la faune and the difficulties experienced in that context, we can put things in perspective and see how, while of course everything is not comparable, nonetheless there are possibilities.

What Mr. Pelletier from the Fédération québécoise de la faune told us is that in addition to the problems at the grassroots there were the events of the summer of 1990 in the media which, generally speaking, they had in a way poisoned things somewhat, poisoned the relations in general between Aboriginal and non-Aboriginal people in Quebec, and that this had had a direct impact at the grassroots in terms of wildlife management, wildlife protection, and relations between Aboriginal and non-Aboriginal people.

You tell us that in your field that might have caused a period of inactivity but no setback, and that things have started up again.

We receive your brief with a great deal of interest. I believe that people in Quebec know that there were major problems in the late 1980s, in Restigouche, among other places, with the management of the salmon resource.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

I would perhaps like to ask you, in factual terms, how many associations are in the Federation at this point?

**BERNARD BEAUDIN:** To answer your question precisely, there must be nearly 80 associations of various types at present. I believe that in the Aboriginal bands ... 80 associations, I mean of all kinds. So about forty salmon river managers, and I would say that these 40 salmon river managers must represent 95 per cent of the supply of salmon sport fishing in Quebec.

So I think that the large part of sport fishing activities or sport fishing supply is represented in the Federation.

The bands that are members of the Federation include the Escoumins, the ones in Sept-Îles, Mingan, Natashquan, La Romaine and St-Augustin. So I think the main part of salmon sport fishing managed by Aboriginal people.

**CO-CHAIR RENÉ DUSSAULT:** So the main bands involved, essentially, who are on the salmon rivers or on their land are involved in the Federation.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

You talked about co-management. You talked about how many co-management situations where the resource is actually managed jointly? I think that you talked about one case.

**EDMOND MALEC LALO, Vice-president (lower North Shore), Fédération québécoise pour le saumon de l'Atlantique:** Co-management is with the Escoumins. The Escoumin band is with non-Aboriginal people, and the La Romaine community is also in the process of establishing it, also with non-Aboriginal people, but this is in negotiations at present.

**CO-CHAIR RENÉ DUSSAULT:** And this co-management is carried out with the non-Aboriginal people from the area who have joined together, and you form a distinct legal entity at that point to manage the resource, I believe.

**BERNARD BEAUDIN:** Yes. Normally a non-profit organization is formed. When you have a river that has ZEC status, essentially it has to be managed by a non-profit organization. In fact it is a form of legal status, essentially, a ZEC.

So it has to be managed by a non-profit

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

organization. The organization is made up of equal numbers, in the case of the Escoumins, of Aboriginal people appointed by the band, and in the other case by another committee.

We could also mention La Romaine, in Quebec, on the Grande Cascapédia (PH) River, where there is a management corporation that manages the Grande Cascapédia, in which the Micmac band of Maria (PH) also participates in equal numbers.

So I would say that we have three concrete examples. But in the case of the Grande Cascapédia you must also be aware that there is on site ... a reserve is being managed and on the reserve there are several clubs, some of which belong to people who are fairly wealthy, and so the dynamic and the involvement of the Maria band is somewhat lower than for the Escoumins in terms of co-management. I would say this is a partial example.

In the other two examples you have, I would say, one, the Escoumins is true, complete co-management, with all the rights and powers of every kind.

**CO-CHAIR RENÉ DUSSAULT:** If we take,

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

for example, the Escoumins band, apart from the conservation and food allocations, when we get to sport fishing, how are the benefits shared? What is the formula? Is it shared equally between the Aboriginal partner and ...

**BERNARD BEAUDIN:** I don't have those details, I would point out, about the entire partnership there, except that I would say that the essential point is that jobs are being created fairly between the two groups, because a non-profit organization, there are no actual profits, the most significant benefits are in jobs and job creation, and the jobs are allocated so that they benefit the two communities equally.

But it is still the two communities that manage all decisions. So for that they may sometimes need to hire a general manager who may be white and whose salary will be larger, but they will compensate by having two others of Montagnais origin to have an equal amount. This type of dynamic can easily occur.

**CO-CHAIR RENÉ DUSSAULT:** It is a board of directors with equal representation.



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

**BERNARD BEAUDIN:** That's right.

**CO-CHAIR RENÉ DUSSAULT:** Of course the main benefit is that there is social peace, the resource is protected, and the profits can be channelled appropriately for the development of the region through jobs, among other things.

**BERNARD BEAUDIN:** Yes, absolutely, and much more. We are able to go and look and apply for development programs and, I would say, be partners in, among other things, the salmon economic development program, under which 30 million dollars is being invested in Quebec.

Clearly one of the basic criteria, since it is an economic development program, its purpose is the economic return in investment.

So there is a return on the investment, and the return on the investment is in the development of the resource for sport fishing purposes.

Clearly, for a group on the North Shore, whether they are Aboriginal or white, it is worthwhile to be able to participate in this sort of program, because they

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

give you the resources you don't have to seed the river, to develop the resource, and there are several Aboriginal bands, whether or not they are involved in co-management, it should be noted, because the Natashquan and Mingan and the La Romaine band are beneficiaries of that program.

But that assumes that they are capable, and they have shown that they are capable, both of managing and also of managing a restocking program.

**CO-CHAIR RENÉ DUSSAULT:** In terms of jobs created, do you have the statistics?

**BERNARD BEAUDIN:** I can't tell you about jobs, I would say, as accurately as about ... yes, I think that Edmond could tell us about Natashquan, the Natashquan outfitter, how many jobs it may create. I think it is a clear example of an activity.

**EDMOND MALEC LALO:** In 1983 we signed an agreement with the MLCP [department of recreation, hunting and fishing]. The agreement specifies that it is agreed that 50 per cent of the jobs -- 50 per cent for Aboriginal and 50 per cent for non-Aboriginal people. In the 30 actual jobs we employ 15 Aboriginal and 15 non-Aboriginal persons.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

At present there are a few more Aboriginal people in the outfitter. This is an agreement that we said, when we have our work force, then we can meet the demand in the community.

It must also be added that the Escoumins also have an agreement with the MLCP, to meet the needs of the Aboriginal people, that there will be subsistence fishing. There is a net at sea [?] strictly for the Aboriginals. This is not connected with co-management.

We also have, to meet the needs of the Aboriginal people in our community, we have a sector where subsistence fishing can be done. Our sectors, we have management. This is how we reached an agreement with the MLCP.

**CO-CHAIR RENÉ DUSSAULT:** In terms of the nature of the jobs, between Aboriginal and non-Aboriginal people, I understand that the Aboriginal people bring a great deal of experience to this.

Has this led to additional training? In other words, how is it allocated, how are jobs allocated, in

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

terms of the actual jobs, between management, between the various aspects, to operate the outfitter?

**EDMOND MALEC LALO:** When we took over management of the Natashquan River, we kept the non-Aboriginal work force at 75 per cent. They were part of the guiding activity, and in guiding there are guides for fishing and for cooking, because we had no experience in managing that, and we kept the non-Aboriginal work force.

As we ... we did not really do formal training. Rather we did it through practice ...

We are also careful not to create distance between us and the non-Aboriginal people. We try to maintain the relations we now have, not to separate these two, cut jobs where they have to be cut.

**CO-CHAIR RENÉ DUSSAULT:** Mr. Beaudin, you also talked about the Moisy River in relation to Restigouche, where the opposite is somewhat true in terms of resistance to sitting down together and holding joint talks.

In terms of the Moisy River, we know

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

that a lot has been written about the Hydro-Québec development project. Does play a role in the difficulty you mentioned or is it, in any case, something different in terms of the resistance of the Aboriginal and non-Aboriginal people to sit down together?.

**BERNARD BEAUDIN:** Clearly the SM3 project represents ... to all of the people who are concerned about salmon conservation, it represents a problem for everyone, whether Aboriginal or non-Aboriginal. It is a project that is disturbing if there is in fact an impact on the salmon. I don't want to deal with that, in any event.

Everyone had, I would say, in quotation marks, different interests. And I think that the Montagnais have in this a method of asserting some of their rights at present, to which I believe they are entirely entitled, it is entirely proper that they should benefit from the desire of a non-Aboriginal Quebec corporation to construct a project there, that they should take this opportunity to assert a number of their own rights.

It may be that in fact there are people

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

there who do not agree with that. Of course that may be at work in that dynamic. That is for sure. Except that the position of the Federation in this has been ... of course, I would say, we are keeping our distance from the Aboriginal claims in the sense that it is not our business, it is their business. And I think that they are doing it very well, and they don't need us in any case in that matter.

On the other hand, in terms of the conservation and development of what they may derive from the salmon, in that we can play a role with them. And in that we are going to help them so that the people in the community will understand that everyone has an interest in sitting down together to manage this resource, the salmon resource. And this is what we are going to do.

But to tell you that SM3 is not the cause, but beyond that there are a lot of other things. It should be noted that when you are in the Salmon Moisy Club, you own Winchester, I don't know just how interest you are in seeing the Indians move in. And the distance is maintained. I would say that a dynamic has been encouraged where the little Québécois was the barrier between them and the Aboriginal people.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

There are clubs that are among the richest in the world with salmon on site. And similarly in Restigouche you have clubs that are among the richest in the world. This is a dynamic that has to be understood. When you own a Nesbit-Thompson, you aren't poor. You have enormous resources, you have a budget that is not far from twice the budget of the Government of Quebec sometimes in your own businesses.

And when you have a hundred-storey building in New York, obviously you have unlimited resources. Your financial resources may sometimes be used, I would say, to fund a number of other organizations to act as intermediaries between you and the people you don't want to see too close up.

I think that this dynamic may have operated both in Restigouche and in Sept-Îles, in my view, and that this is a dynamic that has to be unravelled patiently without scaring anyone necessarily, but there is already fear. The fears are felt by the Aboriginal people.

In Restigouche I think that they have been the victims of these big manipulations. Forgive me,

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

but I think that they have been the victims of these big manipulations, but also the little Québécois who were used in it, I would say, as cannon fodder, forgive me, and that is what has to be torn down. I think we have to unravel that whole thing. And so there are also these issues which go well beyond it.

These issues also exist even in the SM3, essentially. In any event, we were sufficiently aware of all that not fall victim to it where we are.

**CO-CHAIR RENÉ DUSSAULT:** Knowledge is a good start for information and being aware of that.

We were in Restigouche in June and it is apparent that the events in the late 1980s left major scars on the Micmac population, but also on the surrounding white population.

Of course I understand that in Restigouche as on the Moisy the challenge is a little more complex, there are mutual fears to be overcome in order to accomplish what you have been able to accomplish in other places in Quebec on the various rivers, Escoumins, et cetera, Natashquan.



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

If I understand you, you have not thrown in the towel.

**BERNARD BEAUDIN:** No, you can be sure of that.

I think that we can say that the higher the economic stakes, the more manipulation there is going to be. And so we are going to need a variety of skills to get through it and I would say impose on both of them, as partners, because anyone who sees a new partner come on the scene is afraid of losing power, is afraid of losing privileges, and this is essentially what we have to work with. A whole set of fears.

On the one hand, I think, frustration on the part of the Montagnais on the North Shore that they cannot play a more decisive role than they are playing in the management of the Moisy River, and I don't believe they are really interested in excluding all of the non-Aboriginals on that river.

They want to have some rights in the matter, and I think that that is entirely to be expected. On the other hand, listen, the dinosaurs are often really on the other side of the barricade, because in Restigouche, and

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

I am thinking about the big clubs there, I am not sure that they necessarily take a very favourable view of the arrival of the Restigouche Indians too.

As you were saying, the wounds are so deep that I am not sure that we ... in any event, the solution is not necessarily going to happen overnight.

**CO-CHAIR RENÉ DUSSAULT:** At this point I am going to ask Mary Sillett to continue.

**COMMISSIONER MARY SILLETT:**

[ENGLISH FOLLOWS]

**EDMOND MALEC LALO:** There is a rule for sport fishing and a rule for subsistence fishing. You have to try to respond in a way that satisfies both.

In a river, sometimes the river is long.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

But the kilometres must also be divided. From zero to 13 kilometres is subsistence fishing, strictly by Aboriginal people, to preserve the Aboriginal fishing tradition.

The other part is more or less to meet the demand from sport fishermen. Whether they are Aboriginal or non-Aboriginal, they go there on fishing days, four days, and they pay the price. While in the other sector the Indians do not pay for licences or do not pay to fish there.

That is why their community is satisfied. Certainly the community is not 100 per cent satisfied, but at least 80 per cent are satisfied with this agreement.

**COMMISSIONER MARY SILLETT:**

[ENGLISH FOLLOWS]

November 30, 1993

Royal Commission on  
Aboriginal Peoples

**BERNARD BEAUDIN:** I didn't really understand the question.

--- (Brief pause)

**BERNARD BEAUDIN:** Concerning the buy-back of commercial salmon fisheries in Quebec, it is a voluntary buy-back. Essentially the commercial fishermen were fishermen who had quotas, catch limits, and the income was assessed over a period, I believe it was five years. Essentially, the full value over a five-year period was assessed, and on that basis they were paid compensation, essentially, their entire production, their catch over five years. I even wonder whether it isn't seven years.

Out of that amount, in a sense, they were also paid for their gear on top of that, their purchase of gear, their purchase of various equipment, plus the value of the production over a five- or seven-year period, from memory, all indexed.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

When this was bought the commercial fisherman simply renounced his right to fish. The fisherman sold back his right to fish.

Generally, the amounts, since it was a voluntary buy-back, this year I had been told that probably 50 or 60 per cent of fishermen were selling. But this year it was 98 per cent for fishermen who have sold all of their fishing rights.

Now you must understand that salmon fishing in Quebec is not an exclusive activity, in the sense that for a commercial fisherman it was not a large percentage of his whole income, and a number of them also have other occupations. There were even lawyers among them.

There are even people who were managers of big businesses, like Alouette, but many others also were small fishermen.

But everyone was happy, in a period of crisis like we are experiencing, in getting a cheque that was often for \$30,000. Some were as high as \$150,000. I think that this is very welcome, and many people started up other small businesses with that, and essentially that got the economy restarted.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

This is how Quebec compensated for the buy-back of commercial salmon fisheries.

**CO-CHAIR RENÉ DUSSAULT:** I think there was another aspect, which was what happened over the six years, for example, when you suspended harvesting, including even for subsistence, what happened for the Montagnais, what was the substitute, what was given in return, in economic terms?

**EDMOND MALEC LALO:** There is just one community, ours, which harvests from the river in the community of Mingan. It wasn't easy to tell an Indian to stop fishing for salmon.

To compensate for that, the Montagnais in Mingan had a fish plant, which could process groundfish. That made up for a bit.

We haven't stopped and said "you'll never eat fish again". We thought, admit it, that we could take, every festival, in Ste-Anne there is a special festival and everyone gets together ... So we're going to take 20 salmon, admit it, to make a sort of festival, just to preserve the tradition, traditional fishing. It hasn't

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

been easy, but we have got through it.

**COMMISSIONER MARY SILLETT:** [ENGLISH -  
Thank you.]

**CO-CHAIR RENÉ DUSSAULT:** We want to  
thank you for having discussed your experience with us, that  
you have had for a good ten years now, which has been quite  
fruitful.

Once again, we can only wish you good  
luck in your work on issues which are perhaps a little more  
difficult but which, I think, demonstrate that when we can  
explain the medium- and long-term benefits of working  
together it makes all the difference in the world, in social  
terms as well.

I would just say as an aside that when  
we were in Restigouche the Micmacs who are in Maria  
communicated to us very clearly in part their satisfaction  
with the agreement, even though it is partial, in terms of  
what was happening to them before that.

I wish you good luck in your activities,  
and we hope to keep in touch with your organization up to  
the end of our work. Certainly, the question of fishing,  
not only commercial but also sport, and the co-management of

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

the resource, is something that is of enormous interest to people in Canada, both Aboriginal and non-Aboriginal, and so the Commission is doing considerable work on this issue, and we hope that we may be useful in supporting what you are doing.

So thank you once again, Mr. Beaudin, Mr. Lalec.

The Commission is going to recess for ten minutes for a health break before resuming with the presentation of the Fédération des pourvoyeurs du Québec. That will be followed by the presentation of the Barreau du Québec.

Thank you.

--- Hearing recessed at 2:51 p.m.

--- Hearing resumed at 3:11 p.m.

**CO-CHAIR RENÉ DUSSAULT:** The Royal Commission on Aboriginal Peoples in Canada is resuming its hearing with a presentation by the Fédération des pourvoyeurs du Québec, Thérèse Farar, representing the Fédération.

**THÉRÈSE FARAR, Representative,  
Fédération des pourvoyeurs du Québec** [Quebec federation of



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

outfitters]: Mrs. Sillett, Mr. Dussault.

There are more than 600 hunting and fishing outfitters scattered throughout Quebec's administrative regions. There are two types of outfitters: with exclusive rights and without exclusive rights.

With exclusive rights: These businesses have exclusive rights over the management of hunting, fishing and/or trapping in a given territory, through leases signed with the Ministère du Loisir, de la Chasse et de la Pêche [department of recreation, hunting and fishing]. They also have operating permits issued by the same department. There are 185 of them.

Without exclusive rights: These outfitters do not operate in specific areas. They are also issued permits by the MLCP in addition to commercial holiday establishment permits issued by the MER [department of energy and resources] for each of their accommodation units. There are 420 such outfitters.

The outfitters provide services such as accommodation, boat and outboard motor rentals, guides for hunting, fishing, trapping, outdoor activities and family-oriented recreation. Each outfitter has forest-based

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

facilities, ranging from basic shelters to luxurious inns; these represent substantial financial investment throughout Quebec (roughly 8 million per year).

All outfitters in the province are subject to a large number of Acts and regulations and deal with different government departments on a daily basis: MLCP, energy and resources, tourism, environment, revenue, regional development. They must abide by the rules and regulations of the regional county municipalities, the Office de la Construction du Québec and the Régie du Bâtiment, to name but a few.

The outfitters also share the forest with other users, such as forestry and mining companies, Hydro-Québec and the Aboriginal people.

The problem with the Aboriginal people stems more precisely from the overlapping of activities and territories. Unquestionably, outfitters with exclusive rights, by being subject to government Acts and regulations and pay their leases to the Ministère de la Loisir, de la Chasse et de la Pêche, acquire hunting and fishing rights. By paying permit fees and a number of taxes and providing

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

all the related reports, outfitters play a major role in wildlife and recreational and tourism issues in Quebec.

Aboriginal hunting and fishing activities in areas where outfitters operate have a negative effect on wildlife planning and management. Aboriginal people do not plan or harmonize their wildlife harvesting with outfitters, jeopardizing the availability of the resource.

It must be remembered that outfitters operate in micro-environments and constantly strive to renew wildlife resources, which are their livelihood. They accordingly devote considerable financial, physical and material energy to maintaining and enhancing the wildlife base precisely to mitigate the effects of harvesting.

They use such methods as seeding, eradicating harmful species, improving spawning areas, and restricting the number of moose killed per group of hunters.

In addition, they are required to submit a wildlife management plan to the MLCP every three years.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

Another aspect of the problem concerns the loss of income among outfitters as a result of the overlapping of activities with Aboriginal people. This loss of income stems from problems in finding new customers because of the decline in wildlife resources.

Non-Aboriginal big-game hunters are very reluctant to hunt in areas frequented by Aboriginal hunters, because they know full well that Aboriginal hunters take their prey before hunting season begins.

Loss of income can also be caused by the loss of enjoyment of facilities. Indians sometimes "take possession" of parts exclusive outfitters territories and settle there. In some cases, outfitters' have been cottages occupied by Aboriginal people or their lands have been left untidy by Aboriginal peoples. Such situations obviously generate conflict, and the social climate is being stretched to the limit in most parts of Quebec.

Without wanting to interfere in talks concerning the ancestral rights of the Aboriginal people,

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

one must obviously take outfitters' rights into account in respect of wildlife management. They are, in a way, the victims of ambiguity between governments and the Indian population, and they suffer the consequences. After all, the outfitters are obligated toward the Government of Quebec.

We feel there are two possible solutions to the conflict between outfitters and Aboriginal people.

The first would involve considering all residents of Quebec in the same way, with the same rights, the same obligations, the same duties and the same advantages, meaning one justice for all. In our opinion, the Wildlife Conservation Act should apply to everyone in the same way.

The second solution would be to settle land claims once and for all. The signing of clear, written agreements between our governments and Aboriginal people would greatly reduce conflicts "in the field".

There is much talk about land that could be granted to Aboriginal people and managed by independent governments, which would have jurisdiction over all the

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

natural resources located there.

This suggestion has generated much concern over, among other things, the size of "Indian" lands and the future for outfitters on these lands. Would they be required to pay hunting, fishing and trapping fees to the local Indian band to obtain *carte blanche* over the area assigned to them and to manage it? This would presume that wildlife resources in the areas subject to the negotiation are already shared.

The Indian problem is very delicate to resolve. Proof of this can be found in the never-ending negotiations among the federal and provincial governments and various Aboriginal bands. They are ethnic minorities who are clearly trying to secure their future as a society.

Ancestral activities such as hunting, fishing and trapping are losing their meaning in the modern world. However, Aboriginal people want to preserve their heritage and at the same time assume their place in Canadian society, with all its benefits.

Negotiations are made more difficult by

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

the diversity and lack of homogeneity within Indian bands themselves. One example would be the Montagnais and the Attikameks, who had been negotiating their land claims together since 1979 and who have just recently separated. Such separation clearly means further delays.

The members of the Fédération des pourvoyeurs du Québec, aware of the complexity of the problem, wish, however, to find a lasting and honourable solution to the Aboriginal issue so that they can go about their business quietly.

The issue is not ownership of land or wildlife, by Aboriginal and non-Aboriginal people. Rather, the question is how to share them equitably. The urgency to find a solution is reflected in the ever-increasing tension between the two peoples.

**CO-CHAIR RENÉ DUSSAULT:** Thank you, Ms. Farar, for coming to meet with us and make this presentation on behalf of the Association des pourvoiries de chasse et de pêche du Québec which, as you said, is an association of 600 outfitters.

We had an opportunity this morning to

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

hear André Pelletier of the Fédération québécoise de la faune, who has held that position for five or six years. He spoke at length about his the disappointment at not having been able to bring bout any meaningful reconciliation with the Aboriginal people of Quebec around the issue of protecting wildlife and exploiting wildlife.

However, we also heard a different tone earlier this afternoon, from the representatives of the Fédération du saumon de l'Atlantique, who, on the other hand, have had a considerable degree of success in involving Aboriginal people in co-management of the resource on several of the salmon rivers in Quebec.

I say all of this to indicate that this is obviously a delicate issue, as you say in your brief, but that it is not insoluble.

The problems experienced in Quebec are almost identical with the ups and downs in Canada as a whole, but there is still considerable tension between the non-Aboriginal communities and the various Aboriginal peoples.

I would perhaps like at the outset to clarify some concepts so that we are sure that we are in



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

agreement on the facts.

In your brief, you talk about the Aboriginal people as an ethnic minority. I think that you are not unaware that for the Aboriginal people the reality is that they were the first inhabitants of the country, and so they are different from the various cultural minorities who have joined Quebec or Canada over the years, knowing, of course, and in theory not [?] accepting the laws and customs of the country they are joining.

In the case of the Aboriginal people, of course, it is we who joined them at a time which is now long past but which is nonetheless a fact. So I think that it is important to point this out because it facilitates discussion with the Aboriginal people.

Of course they are recognized as peoples who were the first inhabitants of Canada, with, of course, the rights that flow from that recognition.

The other question that I also wanted perhaps to clarify, and it flows from the first, in a way. You say, essentially, and you are certainly correct to say, that the rules of the game must be clear, and there is nothing that poisons the atmosphere so much as when everything is ambiguous and unclear.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

You propose two possible alternative solutions.

The first, which is to consider all residents of Quebec in the same way, with the same rights, the same obligations, the same duties, the same advantages, meaning justice for all, and the other, which is to define Aboriginal rights clearly and of course to determine the corresponding consequences for development.

On the first alternative, this is perhaps the one on which I would like to ask you the first question, of course before 1973 in Canada the concept of ancestral rights, in terms of popular wisdom, in which all lands necessarily belonged to the Crown or to private interests. Of course, starting when we recognize the rights of Aboriginal people by virtue of their status as the first inhabitants, the question of the same rights and the same situation and one justice for all takes us into the whole debate over respect for differences and whether equality implies respect for differences.

I say all this because I think that the future in the area we are discussing this afternoon lies rather in the second alternative solution, which is

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

recognition of the rights of the Aboriginal people, is clear.

In this respect, you say in your brief that you absolutely do not want to discuss the question of ancestral rights. In essence, your organization is presenting the brief to say we have problems in operating and we would like governments to attend to this and clarify the situation, essentially.

I can perhaps only return the ball to your court, in a way, and say yes, but in the field, are there relations with the Aboriginal people, between them and the Association des pourvoyeurs du Québec, or even more locally, with various band councils or Aboriginal nations?

**THERÈSE FARAR:** To my knowledge, there are no direct relations. You know, in my view, the outfitters are similar to people who have a farm. On that farm, they are responsible for management of the wildlife in that area.

Certainly when Aboriginal or non-Aboriginal people come onto the land this creates problems. Whether they are Aboriginal or non-Aboriginal, it is not just the Aboriginal people, it creates problems. Say a

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

farmer had a field, and everyone was trapping in it.

It is somewhat difficult to manage and produce a yield, because we have customers who are increasingly demanding in terms of both wildlife and infrastructure investments. So how do we manage something when we do not have the means to do so? It is very difficult.

Certainly there are places where it is more difficult. Like everything relating to the beaver reserves, certainly the outfitters who are there have many more problems. That is obvious. Now it remains to be seen whether it will be decided in advance.

There are unrestricted areas, there are the ZECs, in fact there are the parks, the reserves, and there are the outfitters, and there are outfitters who operate in unrestricted areas. Certainly the last group does not manage wildlife *per se*, to the extent of those who have exclusive territory and pay the department for a lease and who are obliged to look after the wildlife do. This is why there are major problems on those exclusive territories.

**CO-CHAIR RENÉ DUSSAULT:** It is a little

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

like in the forestry industry, where concessions a hundred years old were abolished and supply contracts were entered into for producing the resource, with obligations to reforest, et cetera, but where they didn't take into account the many things that the forest could be used for, which have an impact on the level of production but which could be more profitable in the long term.

There is the entire debate around the forest industry, where sensitive areas, in terms of flora and fauna, are not taken into account. This is what brought us the entire debate that resulted in the Lac Barrière accord, the bilateral accord. There have been mistakes made in implementing the accord.

Similarly, I understand that the dynamic has essentially involved the outfitters who had a lease with the department and obligations in return for the lease.

So this discussion is going to have to be resumed at a broader level in the context of clarifying Aboriginal and ancestral rights or treaty rights, but specifically ancestral rights in Quebec.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

I should like to ask the question again concerning relations with the Aboriginal people in general.

What comes out of your brief is to some extent the desire to say, we operate under a framework with the Government of Quebec and we want to be able to go about our business quietly, and exercise our rights as they were given to us. We would, on the other hand, like the governments to resolve what we call the Aboriginal problem.

I understand that at the local level, at some point, things can become poisoned for an outfitter, but when we are talking about an association like yours, is there a possibility of establishing ties with the Aboriginal organizations in Quebec so that there may be fewer day to day problems and the objectives of both sides can be respected more fully? Is this something that is inconceivable?

**THERÈSE FARAR:** I understand your question. No, it is not inconceivable and I do not believe that there has been any reconciliation of this nature. The issue is the land, in fact.

It is difficult for the Federation to

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

establish areas where ... it is essentially a question of land for us. So it is difficult for the Federation to agree on land areas when there is no overall agreement. It is possible that there will be. Of course.

We are just about to have our convention on the weekend, and that will be raised. On the other hand, we can't say we are going to agree on certain land areas when the overall problem has not been defined. We would perhaps have been able to move ahead, but we are waiting for a bit to see what happens.

For instance, in the department, the MLCP, when something affects the Aboriginal people, well, you just have to wait. We'll have to see. So that makes us back off and we wait very passively.

**CO-CHAIR RENÉ DUSSAULT:** There are two aspects. There is compliance with regulations and Acts, but there is also harvesting on land that has been ceded by leases to the outfitters. If I am not mistake, it is this second aspect that is your primary concern.

**THERÈSE FARAR:** In fact, we are concerned with harvesting on land where there are leases.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

This is the major point.

On the others, certainly outfitters who are on unrestricted land expects and expected that there would be others besides that outfitter, so whether they are Aboriginal or non-Aboriginal there is some tolerance in that respect, although the problems are less severe than for outfitters with exclusive rights.

**CO-CHAIR RENÉ DUSSAULT:** The leases are generally signed for a period ...

**THERÈSE FARAR:** A period of nine years, renewable every nine years.

**CO-CHAIR RENÉ DUSSAULT:** You talk about a substantial financial investment, 8 million per year. Can you elaborate on that? Is that the operating budget, or the profits received, the volume of business each year?

**THERÈSE FARAR:** This is the outfitters' investment budget. You know that 30 years ago outfitters were little shacks that didn't even have water.

Now, in view of the growing demand from customers for a certain level of comfort, the investment is enormous. It is in the woods, in the forest, so it is not



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

like in the city. You paint a house downtown, but in the woods it deteriorates so quickly. So there are many, many parts of the infrastructure, paths, improving and seeding lakes. There are enormous costs to the outfitters in keeping up with the demand.

**CO-CHAIR RENÉ DUSSAULT:** The financial return, in other words, it does not necessarily generate profits but the cash flow that is generated by the outfitters' operations each year, what does that amount to?

**THERÈSE FARAR:** It creates additional value, value added if you like, to the land.

**CO-CHAIR RENÉ DUSSAULT:** In terms of profits, for example, what does it amount to? Do you have those figures?

**THERÈSE FARAR:** I could not give you from the MLCP's point of view because they have to submit a financial report every year, and a wildlife report.

It is somewhat like for farmers. A lot has to be put into it. We are not non-profit corporations, so the employees, we don't get them 100 per cent on social assistance. We may get assistance on some programs but

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

given that we have to look after the financial end of it all, it requires a lot.

The general public thinks that outfitters make money hand over fist. But be careful, that is misleading, because it requires a very high level of investment.

**CO-CHAIR RENÉ DUSSAULT:** This is an industry that accounts for how many employees in Quebec?

**THERÈSE FARAR:** Unfortunately, I could not give you those figures, but I do know it is big business in Quebec.

**CO-CHAIR RENÉ DUSSAULT:** Nor do you know whether there are Aboriginal employees working for the outfitters, and in what proportion?

**THERÈSE FARAR:** In some regions there are. It is difficult because there are such major conflicts in some regions, but on the other hand in some regions there are Aboriginal employees, mainly as guides, and that seems to be working very well.

When they use their time to do the job they are asked to do it is excellent. And we would like to

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

have a few more of them because this is also a plus for the fisherman. Whether the fisherman is Canadian or foreign, he always gets the chance to say, I had a native guide. That is a plus in a way. There are still a lot of improvements to be made.

**CO-CHAIR RENÉ DUSSAULT:** It seems to me that it is in the interest of just about everyone to work on such reconciliation and ...

**THERÈSE FARAR:** Yes, to work together a lot.

Perhaps a lot of effort has not been put into it. It is this waiting that I was talking about that seems to drag on, but I am sure that in a couple of years it will improve.

**CO-CHAIR RENÉ DUSSAULT:** Because often we wait for governments to do something about it, but in the meantime life goes on and there are a lot of things that can be done.

**THERÈSE FARAR:** Rest assured that at the convention that will be taking place on the weekend there will be a lot of questions about such reconciliation and about us not just waiting for the government to settle clearly defined lands. That is easy, it is going to go

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

well.

Before that we certainly have to improve these relations.

**CO-CHAIR RENÉ DUSSAULT:** One last point.

You note in your brief and perhaps deplore, to some extent ... of course the situation is complex because the Aboriginal people are diverse, that the Aboriginal people who were uniform that is a given.

I think that it is important to recognize this, otherwise it is difficult to function without accepting that fact.

**THERÈSE FARAR:** Certainly each sector is quite different from the others. The problems are not the same everywhere.

If we are talking about the North Shore, if we are talking about the Outaouais, the problems are not at all the same.

**CO-CHAIR RENÉ DUSSAULT:** Thank you for coming to meet with us.

At this point I am going to ask my colleague Mary Sillett to continue.

November 30, 1993

Royal Commission on  
Aboriginal Peoples

COMMISSIONER MARY SILLETT:

[ENGLISH FOLLOWS]

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

**THERÈSE FARAR:** We can't generalize in all areas. You referred to the far north, the northernmost part of Quebec. We see what is happening in the Outaouais, in Haute-Mauricie, in fact close to southern Quebec. These are two different worlds, if you like. We cannot generalize about Aboriginal and non-Aboriginal people, the same everywhere in Quebec.

We are not opposed, and I am sure that no one is opposed, to the Aboriginal people having land

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

where they can have their own government. Everybody is for that, and we agree.

When we look south, that's where we have problems ... the Aboriginal people, if we take an example, I am familiar with it because I am in Haute-Mauricie, if we go close to Sanmare (PH), the Weymontachie reserve, people do not need to hunt and fish to eat as they need to do in other places, or as they had to do hundreds of years ago.

They have the benefits, they have all the benefits we have. For medical care, they receive generous, I wouldn't call it welfare, but compensation, in fact, for those who don't work. So they can go to the grocery store. There are a lot of families whom I know quite well who live very well and who look after themselves quite well.

The fact that they say they have to go and hunt moose before moose hunting opens, we don't see that as a necessity. A lot of times it is to sell. We see that. We see what happens.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

Certainly when we talk about eating, putting food on the table, and hunting for sale, this is a very different thing. We are mainly in the southern areas, in the middle of Quebec, if you like, and the situation is different from the far north.

**COMMISSIONER MARY SILLETT:**

[ENGLISH FOLLOWS]

**THERÈSE FARAR:** Of course ... as I said, it is difficult to generalize about the Aboriginal people everywhere in Quebec.

If an Aboriginal person hunts and fishes, this is a traditional activity, not a necessity in order to get food. It is a way of going onto the land, land that is very often unrestricted, and looking after their traditions. But it is not a necessity, going and killing a moose to eat, because they can very well buy food with the cheques they receive every month, like everyone in Quebec.

They also have benefits. That must not



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

be left out. All the benefits of the modern world are not the same as two hundred years ago. So that has to be taken into account too.

As for the outfitters with exclusive rights, the MLCP gives us a piece of land to manage. The wildlife has to be improved and harvested. So they have obligations to the department and to the customers.

It is difficult, when three moose have been killed just before a hunt, to put people in there who are paying for a sport hunt, if you like, and who arrive there and see the damage done just before hunting opened. Of course I want to believe that not everyone is at fault, or that the fault lies on one side or the other, but it is clear that in modern times, in today's world, there are benefits and there are also rights, but both have to be upheld.

**COMMISSIONER MARY SILLETT:**

[ENGLISH FOLLOWS]

**THERÈSE FARAR:** In our view it is a land settlement, in our view, for our own business.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

If the Aboriginal people are given lands they can go and harvest wildlife, but on the other lands, where, in fact, there are Québécois who are managing that wildlife, at some point it [they?] should be prohibited to hunt there. It is minimal, you know. The 185 outfitters with exclusive rights have a minimal portion of the land. It is minimal. I believe that it is 15,000 km<sup>2</sup>. Forgive me, I was assigned to come here two days ago and I should have brought better documentation.

The land occupied is minimal if we compare it to the ZECs, the reserves, the parks. So it is a small land area. What interests us immediately is the land we have, to be able to manage it without there being a war. We have to reach an agreement. For us, the outfitters, it is precisely a question of land.

If in a place where there are outfitters with exclusive rights, or even outfitters with licences, without exclusive rights, who are on Aboriginal land, it could be managed. Instead of paying the MLCP we can give the local band or the Aboriginal band the rights to manage this small portion of the land.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

It must not be imagined that this is a big thing, the outfitters with exclusive rights, you know. When they have 200 km<sup>2</sup> they are doing well, and that is not very big.

So the outfitters could manage Aboriginal land, and we see no major problem with this.

**COMMISSIONER MARY SILLETT:** [ENGLISH:  
Thank you very much.]

**CO-CHAIR RENÉ DUSSAULT:** In closing, in light of the discussion that has just taken place, I would like to return to the importance of mutual understanding. For example, you come from the Haute Mauricie region, where the Attikameks are.

We know that the way the forest had been exploited, for example, is a major concern in terms of sensitive zones for wildlife in particular, and the Attikameks have entered into discussions with the forestry businesses.

It seems to me that this is certainly a point in common with the 420 outfitters in the unrestricted zone which is somewhat identical, the concerns in relation

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

to preserving wildlife and the impact of a certain type of development on the forest there.

What I am trying to say is that there are points in common. There are not just points of difference. The objectives may be the same.

If we live in parallel worlds, and essentially in relation to the government, while waiting for everything to be settled, during that time there is no relationship. So problems that are relative start growing.

In this sense we can only hope that you will address these questions at your next convention.

You are not alone. We were in Montreal two weeks ago. They all told us, the Caisses Populaires Desjardins, the Association des hôpitaux du Québec, the Corporation des médecins, the Ordre des infirmières, one, if you hadn't invited us, two, if you hadn't twisted our arms a bit, as a Commission, to come and discuss the issue, we would not have started a process. At least we stopped and looked a little at what we can do to try to establish a relationship with the Aboriginal people in the context of

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

our own organization.

I think that this is part of that, but it is particularly important because it is a very sensitive question in Quebec, as it is elsewhere in Canada. It is not a problem that is unique to Quebec.

We are going to try, as a Commission, to make recommendations that will clarify the somewhat more macroscopic aspect relating to rights, et cetera, but we are very aware that if nothing is done day to day, a degree of reconciliation and understanding of the conflicts at the grassroots, even by the various elements of society, we will not succeed, in any case certainly not as quickly and probably we will not succeed at all if we rely solely on governments to provide solutions.

To this end we wish you a fruitful convention, and we hope that we will stay in touch over the coming months while we are putting together the information that we have collected over two years.

**THERÈSE FARAR:** Thank you, Mr. Dussault.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

The Commission's initiative is essentially to make people aware of the situation. There are times when we live our daily lives every day and have no awareness, but I think that this Commission will definitely make us become more and more aware.

There are points where there can be reconciliation. Things are not uncontrollable; they are not insoluble. There are solutions. It is a matter of seeing them together. For us it is a matter of sharing the land, as with the forestry companies, where things have been going much better for the last ten years. It is the same problem.

Both sides have improved in their sharing of the resource. It could be better, but it is much better than ten years ago.

**CO-CHAIR RENÉ DUSSAULT:** Here, with the Aboriginal people, there is also a major intercultural communications challenge, when Mary Sillett was talking about two visions of the world. So it requires greater effort on both sides.

**THERÈSE FARAR:** Absolutely.

**CO-CHAIR RENÉ DUSSAULT:** Thank you for coming to meet with us.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

The Commission will recess its hearing for five minutes. We will resume with the presentation of the Barreau du Québec.

--- Hearing recessed at 4:04 p.m.

--- Hearing resumed at 4:15 p.m.

**CO-CHAIR RENÉ DUSSAULT:** The Royal Commission on the Aboriginal Peoples of Canada is resuming its public hearing with the presentation of the brief of the Barreau du Québec.

I yield the floor to Jean Pâquet.

**M. LE BÂTONNIER JEAN PÂQUET, President, committee of the Barreau du Québec on the law relating to Aboriginal peoples:** Thank you, Mr. Co-Chair.

Mr. Co-Chair, Madam Commissioner, I would first like to thank this Commission, its members, for the invitation sent to the Bâtonnier du Québec some months ago, the Bâtonnier then in office, inviting us to participate in the work of the Royal Commission of Inquiry.

We are given a great privilege today, and I say this because this is the first time that the professional corporation, the Barreau du Québec, has had the opportunity to voice its opinion, to state its expectations,

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

to put forward its ideas, the way it sees things, in terms of the Aboriginal problem, if I may use that expression.

The Barreau which I represent today, as you undoubtedly know, is a professional corporation whose powers are derived from a special statute concerning the Corporation and the Barreau. I say this in relation, perhaps, to the difference that can be found elsewhere, the Law Society, for example, or the Canadian Bar Association.

The Barreau has 15,000 members, 15,000 lawyers practising throughout Quebec, Mr. Co-Chair, Madam Commissioner. So it is a privilege for us to be here and to present this brief which you had the opportunity to see some time ago, I imagine, and which is entitled "La redéfinition des relations entre les peuples autochtones, l'ensemble des citoyens et le droit" [redefining the relationship among Aboriginal peoples, the general public and the law].

I do not intend at this point to reiterate exhaustively the comments set out in this brief, but perhaps to summarize succinctly the essence of what seems to us to be most important.

To do this, permit me to give you a



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

brief history of the discussions that led the Barreau to present this brief today.

In 1991, we were invited to participate in that great legal adventure, the Sommet sur la Justice, which was, as you know, commissioned by the Quebec Minister of Justice at that time.

This invitation took the place of the great legal assizes, if you will, and there was one very important element at this justice summit, an Aboriginal element. So during these discussions, during this initial discussion, the Barreau du Québec was given its impetus, if you will, to consider this problem.

At the justice summit, the Barreau made certain commitments to the Aboriginal communities, and one of the primary aspects of these commitments was, of course, the creation of a standing committee of the Barreau du Québec for the purpose of advising the professional corporation on the Aboriginal problem, or the questions raised by the Aboriginal problem.

This committee is made up of lawyers, members of the legal profession from all segments, if you will, of the legal community. It is made up of non-

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

Aboriginal lawyers, but also of Aboriginal lawyers, men and women. Some of them have come with me today, Mr. Co-Chair, Madam Commissioner, to present this brief to you.

And so this committee said, if you will, in beginning its discussions, that one of the most important aspects of its activities was to have or to continue and make the discussions a permanent process within the professional corporation, the discussions on this issue.

This was quite consistent, if you will, with the social role which is often discussed in the professional corporation. We talk about the social role of the Barreau, and I think that making this committee permanent gave the Barreau an instrument, ultimately, which fitted in well with its social role, with the inevitable Aboriginal reality.

The committee thus formed said that it would be our share, the contribution that a professional corporation like ours could make to this entire discussion.

We took an approach that I would call humble, a modest approach to the delicate problems posed by

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

this entire reality, and we deliberately put aside, if you will, the issues, and it is curious that the Barreau could use language like this, that is, we deliberately put aside the legal issues raised by this problem.

I say that it is curious because normally we might expect, or should expect, that a professional corporation composed of lawyers would focus on those issues.

No, our approach was much more modest, much humbler, and we said that we did not want to oust, if you will, and take the place of the people who have already examined those issues, and who have done a very good job of it, with perhaps more resources than the Corporation has at this time. We took an approach that is a bit more, I would say, pragmatic, more concrete, more realistic, at this point.

We said, during the entire time that, for example, this Commission which you co-chair and on which you, Madam Commissioner, sit, during the time it is doing its own work on the issue, during the time it is collecting,

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

if you will, the representations of the various invited bodies, other individuals and groups involved in this area, the administration of justice would go on about its daily work.

Today, in the courthouses of the province, there were trials. There were trials where there were non-Aboriginal people, and there were trials where there were Aboriginal people, who were facing this reality, the justice system.

So we said, what could we do as a professional corporation to help the people who deal with the justice system every day, to improve the lot of the people who have to deal with that system.

In asking this question we had, of course, to do some thinking or make some observations.

These observations made us aware that, first, the Aboriginal communities and Aboriginal reality were often the subject of incomplete information, truncated information, which give rise, if you will, to pernicious

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

prejudices, an attitude, if you will, that is a bit, I would say, in quotation marks, paternalistic, regulations or legislations that govern the Aboriginal communities, among other things.

All of these findings convinced us that there was a sort of climate of misunderstanding, of failed communication and difficult relations, a lack of proper communication, of dialogue between the Aboriginal communities and non-Aboriginal organizations, ultimately, in relation, of course, again, to the justice system.

Starting with these findings, we said that our first duty as a professional corporation is, of course, perhaps, if you will permit the expression, to do our chores, to do our own homework. We said, we are therefore going to ensure that our members, the first ones to whom we want to address ourselves, and whom we have already begun to address, make these members aware of the legal situation facing the Aboriginal communities and peoples, and beyond our members themselves, the entire legal community.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

We realized that not only lawyers in Quebec perhaps needed to be made aware of or informed about these matters, but there was also the judiciary, our judges, more particularly, all of the people involved in the legal system.

We said, we must therefore work to prepare the tools that will enable us to do this training and to give out this information in order to upgrade, if you like, the entire legal community in terms of its perception of the problem or the reality of Aboriginal people and the law.

This reality is closely connected to the history, the culture, the social reality of Aboriginal communities. All that is closely tied to the law.

This is the spirit in which we sponsored, we organized and are continuing, if you will, to work on tools that might provide a better understanding of that reality.

We also said, Mr. Co-Chair, Madam Commissioner, that if that was to be beneficial for our

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

members, for the legal community, perhaps it might also be beneficial for the general public, for people who are part of the public information process, whether immediately or more remotely -- journalists, people in various positions, various information media -- if the expertise, the resources that the Barreau can make available to them were useful, so much the better. To some extent this is what we are hoping.

All of this was designed, if you will, to put the problems raised in their proper perspective, to demonstrate perhaps a little more objectivity, to rise a bit above emotions so as to look at the reality of the legal problems that arise, the social reality, the cultural reality, the historical reality, because, I repeat, all of this appears to us to be related. The aim of all this, of course, is to restore better communication, a more serene dialogue, if you will, and of course all of this is in a spirit of positive communication.

You know, it is not complicated. When we no longer talk to one another or when we talk badly or when we talk with prejudices and incomprehension and poor

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

judgment in our minds, of course we are not going to reach very concrete results.

This is more or less what you will find, if you will, in the first three items in the brief that we have submitted to you, and the brief that we draw to your attention today.

One thing that is very important in all this, I am speaking of the work done by the Barreau, that the Barreau had realized these things, had decided to combat them and to find the tools I just spoke of, but we also realized, and this is perhaps going to appear a little obvious to you on the Commission, but often, and this is an example I give frequently, often we don't see the forest for the trees.

We realized that in order to meet these objectives we of course needed the contribution and collaboration of the Aboriginal communities themselves, the band councils, the community councils, the Aboriginal organizations, who of course had to participate in all this.

Everything we are presenting to you this afternoon, Mr. Co-Chair, Madam Commissioner, is of course conditional on getting the collaboration and support of and



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

a concrete expression of encouragement from those organizations I have just referred to. It cannot be a one-way street. It must first start out there.

I can tell you that we have already taken steps in this respect, since our work started, and we are very encouraged and very happy with the results we have obtained to date, in this spirit.

And so this is, I repeat, the essence, if you will, of the first three items in our report. There are two others. Inside the brief you will find a more exhaustive listing of documentation, a description of and justification for all of the tools that the Barreau wishes to adopt.

We said, and this is the fourth item in our brief, that by training, informing and making our own members more aware of this reality, we would then create and we would then develop within our own corporation a body of expertise in the legal profession, people who can serve all their clients more completely, better, it goes without saying, serve all of the people or participants in the

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

judicial process where the Aboriginal problem might arise, in every region.

By developing better members, by training them better, we are thereby probably going to succeed in generating a greater demand for the services of these people throughout the regions, throughout the province.

The other item on which I wish to dwell a bit is the item that expresses our desire, again in the spirit of a useful contribution and of collaboration with the Aboriginal communities, to work with them to promote the establishment of non-judicial methods of dispute resolution.

There is a lot to be learned in this area and much to be done. Again, we must have the opportunity to work together, in concert, to ensure that these tools, these new approaches, lead to improvements in the administration of justice.

In this spirit, you have certainly, Mr. Co-Chair, Madam Commissioner, heard of the Advisory Committee on the Administration of Justice in Native Communities, chaired by Judge Jean-Charles Coutu of the

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

Court of Quebec. We have already establish relations and communications with that committee, and exchanged working documents.

The expertise of the Barreau and the members of the committee that I have the privilege of chairing will be able to provide some constructive contribution, at least so I hope, to that committee. In all of this, I repeat once again, we will seek the collaboration and the essential participation of Aboriginal communities and organizations representing them.

In conclusion, Mr. Co-Chair, Madam Commissioner, how can I put it, this sort of ... let's say things as they appear to us, as we have realized them to be. This sort of unhealthy climate, of misunderstanding, supported, I repeat, by prejudices, by incomplete information, will not, in my view, get us anywhere. It is clear that we will get nowhere that way.

The tools that we have adopted and that you will find in the brief are the means that we, as a professional corporation, the Barreau, have adopted today in order, I would say in conclusion, to re-establish the

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

dialogue that is necessary to promote this reconciliation, which is the measure of success, I think, the only possibility for success in terms of all of the difficulties raised by this problem.

If today perhaps the Barreau's project could provide an example for other organizations, and I heard you speaking to the presenter before me, Mr. Co-Chair, if our project could provide an example for other organizations, I repeat, I think that our goal, the objective we have adopted, would already be partially achieved.

And so, Mr. Co-Chair, Madam Commissioner, this is the message that the Barreau du Québec wanted to give to you today.

Thank you.

**CO-CHAIR RENÉ DUSSAULT:** Thank you, Monsieur le Bâtonnier Pâquet.

Before starting the question period, for purposes of the transcript, I think it would be a good idea to introduce all the members of your committee. Could you, please?

**JEAN PÂQUET:** Yes, of course.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

First, on my left, there is Yvon Parent; on my right, Paul Dionne; Pierrette St-Onge; Serge Tremblay.

Behind us, Myriam Bordeleau, starting on the extreme right; Robert Pratt; and finally, Marc Sauvé, of the research office of the Barreau du Québec.

These are some of the members of the committee of the Barreau du Québec for the presentation of this brief.

**CO-CHAIR RENÉ DUSSAULT:** Thank you.

You began your presentation by saying that the Barreau du Québec decided to take a rather modest approach rather than to undertake too much, alluding, of course, to the fact that in your brief you do not deal with Aboriginal rights as such but with informing the public about the Aboriginal reality in Quebec, informing your members, the general public, the legal profession, the general public.

I would simply say that that is one aspect of the mandate of the Royal Commission on Aboriginal Peoples in Canada, to encourage as much public education as possible.

We are well aware, and we have been from

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

the outset, that this is no small task, that it is not a task that can be accomplished in three years by a Royal Commission. It is absolutely essential that organizations like yours essentially follow suit and take over that task.

We will disappear from legal existence, I hope, in about a year, and so fundamentally what I want to say is that what you have hitched yourselves to as a professional corporation is no small task. It is extremely important.

Second, when you say that there is a lot of misunderstanding, often resulting from a lack of information, you couldn't have been more on target, in a way, because we see this every day, even within the legal profession, and also, as you observe, in terms of information, as it relates to the judiciary, in Canada as a whole and in Quebec.

I believe that there is an important need everywhere in Canada, which is increasingly being recognized, for information, and to stop and do something a little like what you have done, which was, essentially, to

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

get moving, when the Sommet de la Justice was held. There was a day devoted to Aboriginal issues, and that forced a number of organizations to stop and look at what was being done, the type of contributions they could make.

Having made this general comment, I have a number of questions to clarify what has come out of your brief.

Certainly when you say that the Barreau represents all people who appear before the courts and those who are responsible for protecting the public, and of course that includes the Aboriginal people in Quebec, and so the relationship with the concern of the justice system, the interface between the Aboriginal people and the justice system.

I am going about this somewhat backwards. This is the fifth element on your action plan in your brief.

We had the opportunity today to hear a presentation by Judge Jean-Charles Coutu, not only as undoubtedly the most experienced person in the judiciary in Quebec in terms of the dispensation of justice among the Aboriginal people, in particular in the North, but as the

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

chairperson of a task force which has been established in the wake of the Sommet de la Justice.

One of the things that really struck us, and that struck me considerably, for one, is that there has, quite simply, been little thinking done in the legal community in Quebec on the reality of the justice system and Aboriginal people, the entire discussion at present around Aboriginal values and the values reflected by the justice system.

Of course we have had the well-known inquiries in Nova Scotia, in the case of the Indian Donald Marshall, in Manitoba, in Alberta there were task forces, in Saskatchewan there was the report of the Law Reform Commission of Canada on criminal justice and Aboriginal people.

The Commission established a National Round Table on justice and Aboriginal people in November 1992. In going around to find participants and legal resources in Quebec who had begun to work on the issues that were suggested at the National Round Table, we found that in the law faculties and in the academic and legal communities,



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

and also to a large extent among the bar, we were relatively invisible. That is of course somewhat understandable.

The rate of incarceration of Aboriginal people in Quebec is nothing in comparison to the high rate of incarceration in terms of what goes on in western Canada.

We have heard about 90 per cent of the inmates in provincial prisons in Saskatchewan or 80 per cent in Manitoba, et cetera. It is apparent, to governments as well, it is becoming even more immediately apparent that there is a major problem.

I am saying all this to point out that it is extremely important, from our point of view, that the Barreau get involved in this process.

There has been a discussion in the justice field for some years not only as to the possibility of a charter of rights that would reflect Aboriginal values at the same time as the basic principles of the United Nations Declaration of Human Rights. Of course this discussion went on in part during the constitutional negotiations that led to the Charlottetown accord. And the discussion is still going on.

There is also an important discussion on

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

Aboriginal values as they relate to the adversarial system and to the concepts of guilty pleas, to the system of trials as we know it. This is undoubtedly the nub of the matter.

A lot of work is being done in the area of sentencing. We are starting to do this in terms of diversion, but of course the nub of managing the trial itself in terms of Aboriginal values is undoubtedly the hardest question.

I say all this to point out that an organization like the Barreau du Québec certainly has an important contribution to make over the years to come. We are very happy that this is part of your action program, at point five of your brief on the justice system in Aboriginal communities, including in terms of adoption under of the present system, of course.

It seems clear to us that we must work at both levels, and also on the basic idea of allowing some latitude to permit local initiatives in the justice system.

Judge Coutu gave us a working document this morning on the status of his committee's work. Among

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

other things, there was one point which referred to the possibility of eventually having paralegals, mainly in the northern communities in Quebec, among the Crees and Inuit, who would handle prosecutions.

Of course I asked him whether the committee had had any discussions with the Barreau. He told me they had not, with his usual natural good [?].

What I am saying here is that there are things in the area of Aboriginal people and the justice system that will undoubtedly call on the Barreau as a pool of professionals in the years to come.

I would simply draw your attention to a Bill dated June 16, 1993, which was tabled in the Manitoba Legislature, I don't know whether you are familiar with it, which amends the Legal Aid Act precisely to permit work by paralegals in the remote northern regions.

The dialogue has been opened in that area, an invitation, in any case, to actively pursue the dialogue in respect of the justice system and Aboriginal people.

In terms of your plan, when you say that

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

you intend to promote collaboration with the Aboriginal communities, establishing a non-judicial approach to dispute resolution, such as negotiation, mediation, et cetera, could you perhaps elaborate, or if you have opinions to express on the work being done on the application of the judicial system itself and adapting that system.

**JEAN PÂQUET:** That fits in very well with the work and the mandate that our committee decided to carry out.

You referred to the working document that Judge Coutu perhaps presented to the Commission here this morning. It has been brought to our attention, and it is on our shelves to be read and discussed in the near future.

The more precise question that you have raised, Mr. Co-Chair, is the delicate problem of representation, which is within the exclusive purview of lawyers in Quebec at this time.

You also mentioned, correctly, the lack, perhaps, of training we now see, or information and training in relation to Aboriginal law. Unlike some other provinces,

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

perhaps, in Quebec we have unfortunately not until now had a lot of concern about this, particularly in our law faculties, and I am not blaming anyone, and also in our universities. This is changing.

I think that in the relatively near future we are going to have more and more people, first in terms of training, who are concerned with the training that Aboriginal lawyers or future Aboriginal lawyers will be able to get through these law faculties, through these universities.

Accordingly, in the relatively near future perhaps the problem may be solved in that way. if there are more and more Aboriginal lawyers they will be able to provide services throughout the communities, including the far north, in full compliance with our laws.

In the meantime it is apparent that there is a sort, if you will forgive the expression, of legal void, which is perhaps temporary. So it is apparent that, in response to the invitation from Judge Coutu and in the same spirit of collaboration as I noted earlier, the

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

committee will consider this and try to find the best solutions to that problem, perhaps temporarily, and perhaps in the long term, who knows. This is where we are.

**CO-CHAIR RENÉ DUSSAULT:** There are social promotion programs in civil law in Ottawa and at Laval University that have been operating for two or three years.

Did the Barreau participate in this development or are you rather planning to play a supporting role -- through public education, I think. For example, there is a certain number of positions at Laval. They are not all filled. There are pre-law programs. In fact there is a lot of catching up to do in Quebec in training Aboriginal lawyers.

You note these two social promotion programs at page 2 of your brief.

Do you see a role in interesting young Aboriginal people in taking part in these programs, jointly, of course, with the Aboriginal communities?

**JEAN PÂQUET:** This is always the basic premise that we must not forget. Of course.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

We indicated in our brief that we were hoping to promote that but as our brief also indicates, our first stage is still addressing our members. That is what most of our energy and efforts are being put into at this point.

Of course that does not prevent us from seeking broader participation, broader collaboration with the other people involved in the field.

We spoke briefly of the law faculties. We also spoke of universities. You know, in the legal community everyone is a bit jealous, in quotation marks, of their independence.

What we may do is to encourage our law faculties, and encourage the universities, but they must still, themselves, through their own examination of the issues, do something as concrete as what the Barreau is proposing today in terms of its members.

In this sense it is apparent that we are asking no more than to contribute, to promote, even to participate in these initiatives, but our energies are being

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

devoted at the outset to our own members at this point.

**CO-CHAIR RENÉ DUSSAULT:** Once again, I think that the law faculties have started things in motion.

**JEAN PÂQUET:** Yes.

**CO-CHAIR RENÉ DUSSAULT:** These two programs are extremely significant steps.

One clarification. At page 3 of your brief, when you refer to the events at Oka, you say at that point that the Barreau at that time observed the limitations of the local legal community, when a crisis with numerous civil and criminal consequences must be handled completely and immediately.

Could you perhaps explain more what you had in mind. Do you mean the trials that followed or during the crisis itself, the knowledge of the Aboriginal community? Can you elaborate?

**JEAN PÂQUET:** In fact, what we mean to say, more precisely, by that, is that we observed that these events generated not only criminal consequences but also



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

numerous civil actions. So all facets of the law were involved, and it was not, as we tend to think, reduced, if you like, to the penal or criminal aspect relating to the events.

What we came away with, however, from these events, is that there was little expertise among our members that would have enabled them to assist or contribute to solving these problems or to making the necessary representations in court or elsewhere to represent the interests both of the Aboriginal people and of the non-Aboriginal people in the situation as objectively as possible,

This is one way we came to realize the lack of people or lack of knowledge, and which led us to say that from now on, as quickly as possible, we must develop this expertise among our members, the necessary expertise that was found in part, if you will, perhaps more up to now in the large cities, but that is increasingly being found in every region.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

By giving this training and initiating more, promoting awareness or information and training for our members, we are going in a relatively short time to develop some expertise that will be useful throughout Quebec, when it may be needed, And this is point 4 in our brief, which is the end result, if you will, of the observation we made as a result of the events to which we have referred.

This is what we had in mind when we included this in our brief, Mr. Co-Chair.

**CO-CHAIR RENÉ DUSSAULT:** Undoubtedly cross-cultural training is needed for the members of the Barreau in relation to Aboriginal reality and values.

We must understand their vision of the world, which is a different and which has repercussions on a number of legal activities.

This is what you observed at the time of the events at Oka.

**JEAN PÂQUET:** We are well aware of this, and what we have to see more and more is for all of our members to be aware of it too. And all this is not merely a

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

question of law, as I was saying, but it is a question of law that is closely tied to the historic socio-cultural reality of the Aboriginal communities involved.

**CO-CHAIR RENÉ DUSSAULT:** Returning to the role of public education, you say at page 3:

[TRANSLATION]

The legal community and the general public must be aware that the vast majority of Aboriginal people choose legal means, including the courts, to settle their disputes and assert their claims.

I think that you have put your finger on something extremely important.

Even if very often, of course, people are aware of disputes, in view of the development in the north of Quebec, et cetera, what prevails in public opinion is of course often the inequality in terms of ... be it cigarette smuggling, et cetera. The role of the Barreau in this area is an important one.

We often do not have spokespeople to present the issues in a more balanced, fairer way.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

You see a role for the professional body. Can you elaborate on that?

**JEAN PÂQUET:** Certainly, Mr. Co-Chair.

As a professional corporation, if you will, it is not for us to take sides for one of the parties or to set about trying to justify to the public the positions taken by Aboriginal people.

The idea is more to be able to explain, completely objectively, the argument in support, if you will, of the positions taken in respect of the problem.

It is easy, I think, to be able to explain what the arguments of one side are, so that, if you like, their position or their claims, their expectations, can be better understood, without taking sides, and it is in this kind of role, if you like, that the Barreau could have an impact on the public -- on all the parties involved, ultimately.

This was what we had in mind, not fostering, encouraging or justifying one position over

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

another; on the contrary, to get it very objectively and to explain that way, with the legal expertise we have.

**CO-CHAIR RENÉ DUSSAULT:** I think that you are entirely correct. What is often lacking is the facts, the technical explanation of the facts. That in itself helps people -- everyone is free to make up their mind, but to have ...

**JEAN PÂQUET:** Mr. Co-Chair, there are a lot of beliefs that I would call popular wisdom attached to this whole situation.

The Aboriginal people don't pay taxes, and it isn't quite like that. This is the sort of thing that can easily be explained without being accused of taking sides for one side or the other. Giving objective explanations can contribute, I think, to what is needed, sensitizing the whole legal community and the public, so that we can restore the communication that is needed, the dialogue, to try to find solutions for all of this.

And that is what we hope to do. And that is what we want to work on, as much as our modest means allow.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

You made an observation right at the beginning of your comments, Mr. Co-Chair, on the role of the Royal Commission itself in educating and informing.

Obviously the Barreau doesn't want to duplicate the Commission's work, quite the contrary, but if our contribution could be useful, being made with the same objective, in the same spirit, well so much the better. In my opinion, the more of this kind of participation there is, the better everyone will get on in this discussion.

**CO-CHAIR RENÉ DUSSAULT:** I have had occasion to say that the Barreau will be here a long time after we are gone, fortunately. I think that there is a lot of catching up to do in this area. A bit of a push has to be given, and we can only be glad that the Barreau has decided to follow suit in this direction.

In your action plan you say that a standing committee on law and Aboriginal people has been created, which will be trying to engage in consultations and collaboration with band councils, community councils and

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

Aboriginal organizations as well as with the Governments of Quebec and Canada.

Of course Quebec is a big place, geographically. I assume that you are including contacts with the Inuit people in northern Quebec and not just with the Indian community.

**PAUL DIONNE:** Yes, in fact. When we refer to community councils or municipal councils, that is what we were alluding to.

**JEAN PÂQUET:** And the other point, if you will permit me, you were speaking about Judge Coutu. If anyone is particularly up to date on what is happening in this situation, it is him, and I would repeat, his working paper has already been brought to our attention and it reflects the contribution, the collaboration that we also want to show toward for the people in the North.

**CO-CHAIR RENÉ DUSSAULT:** In terms of native friendship centres, which, as you know, are undoubtedly the network and sometimes the only network for providing services to Aboriginal people in cities, does the Barreau have contacts, are you planning to establish relations with these native friendship centres in the

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

context of this standing committee?

I will have a supplementary question on the justice system in urban areas afterward, in Montreal in particular.

**JEAN PÂQUET:** The answer to that is very definitely yes. Contacts have already been established with Aboriginal paralegal services and my colleague here, Serge Tremblay, who is very familiar with these services, could perhaps add a bit to what I can tell you, Mr. Co-Chair.

**SERGE TREMBLAY:** In fact, Mr. Co-Chair, these steps have already been taken with the Barreau. We have met with the organization, because it is an organization that is already working in the judicial system, which already has expertise, particularly because it is also already operating more or less throughout Quebec.

Of course in the time to come, in the times to come, as Mr. Pâquet just said, the Barreau will consult band councils, and of course after that we will approach Aboriginal organizations that want to collaborate and bring their suggestions to the Barreau du Québec.



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

**CO-CHAIR RENÉ DUSSAULT:** Thank you.

Perhaps along the same line, and this relates to point 5 in your brief, which we were just discussing, on the justice system.

Of course the situation is not the same in Montreal as in Toronto, for example. You are not unaware that in Toronto there is a sentencing pilot project, with a council. There is a larger Aboriginal population than in Montreal, although the serious trend is very clear across Canada, with Aboriginal youth, and despite the developments that will be taking place in the North.

I would perhaps encourage you, in a somewhat preventive manner, not to forget the situation of Aboriginal people in terms of the justice system in Montreal as compared to the various regions.

That brings us to page 7 of your brief, the second paragraph, and I am fairly sensitive to that, where you note that lawyers in the government must ensure that the Crown's relationship as trustee for the Aboriginal people, which was entrenched in the Constitution in 1982, is not in danger of becoming a dead issue. So this is an

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

additional concern in terms of government lawyers.

We had the opportunity to hear a presentation by the Commission des droits de la personne here in Montreal two weeks ago, and the Commission made a recommendation that there be a new ethic in the negotiations. There is the balance of power which put a lot of emphasis on establishing a new ethic.

Essentially I told the President of the Commission that among the Aboriginal people they have had all sorts of negotiations and most of the time there has been an uneven balance of power, there is a hope that the balance of power can be changed by establishing a base in terms of rights.

I saw an analogy between what you are saying here in your brief and what the Commission des droits de la personne was saying about a new ethic. I don't know whether you have anything to add.

I think that we have to cover our bets, but I assume that you don't see that as the panacea for the balance of power that has often in the past been problematic, if not flawed, since it is not always a

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

relationship between equals.

Do you have anything else you would like to say in this respect?

**JEAN PÂQUET:** Before yielding the floor to my colleague Paul Dionne to address that in more detail, of course, in view of these flaws, in quotation marks, to which you refer, in the past, we must encourage procedural "fair play".

You also referred to a brief presented by someone else. I am not personally aware of it, but perhaps my colleague here, Mr. Dionne, could assist you in this.

**PAUL DIONNE:** Mr. Co-Chair, I also am not aware of the brief by the Commission des droits de la personne, but on this very specific point that you have raised I think that we can add, to clarify matters, simply that the Barreau here is doing nothing more nor less than referring to what the courts, including the Ontario Court of Appeal and the Supreme Court, have said concerning "fair play", concerning "sharp dealing", in respect of treaties.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

We believe that in procedural terms, in legal proceedings, these are the principles that must apply.

We did not want to cite examples, but I think that for anyone working in this field there are quite enough examples showing that on occasion, unfortunately, this kind of thing happens.

This is what we want to attack, in a modest way, but we believe that it should be remedied.

**CO-CHAIR RENÉ DUSSAULT:** You are of the same mind as the Commission de droits de la personne and I think that it would be interesting for you to be able to see the report that the Commission filed. Of course the Royal Commission is concerned with finding various ways of promoting a better balance in the negotiations between the Aboriginal people and the governments in Canada.

Perhaps if I move on to another point.

At page 16 of your brief, point 4:

[TRANSLATION]

A desire to encourage training for the legal profession in every region of Quebec ...

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

The question occurs to me, this may not be directly related to your brief, but the question just occurred to me. The Barreau frequently makes representations on Bills tabled in Quebec in the National Assembly, for example, sometimes undoubtedly also on federal legislation, House of Commons, through its research office.

Is the concern, looking at Bills but in terms of the Aboriginal concerns and Aboriginal rights, could this be a useful and important role that the Barreau could play. Is this something that you might consider?

I'll give you an example. We discussed it very briefly with Judge Coutu this morning. Everywhere we have public hearings, in Quebec and elsewhere, we are told about customary adoption in remote communities, Inuit communities in particular, and Indians also.

We have just adopted a new Civil Code in Quebec. I had the opportunity to discuss this issue with officials in the Ministère de la Justice, but the issue was not debated. I think that people are aware of this situation but it was not possible for the debate to take

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

place. The time wasn't ripe and we didn't tend to think about this issue when the new Civil Code was being adopted, and undoubtedly we will have to consider it in future years because it is a fact of life.

In this sense certainly a Barreau that is more sensitive to Aboriginal realities will undoubtedly be able to make a greater contribution in this area.

Could you elaborate on this?

**JEAN PÂQUET:** Definitely, Mr. Co-Chair, this is perfectly in line with the thinking of the committee. The Barreau has formed a standing committee, as I was saying, and its role of course is to advise official bodies, through the corporation, about everything that relates, if you will, to the reality of the Aboriginal situation.

All Bills tabled, particularly in the National Assembly, are brought virtually systematically to the attention of the Barreau du Québec. Clearly there we will not tend, spontaneously, I would say, using the tool

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

that we now have to advise the Barreau, since this committee was formed, since we are now more sensitive to this problem, to ensure that when there is a Bill that might affect the administration of justice, for example, among Aboriginal people, the committee's efforts and wisdom will be made available to the Barreau.

I think that this is one of the good examples of what the corporation can do in terms of its committee, particularly. Perhaps a supplementary comment by Mr. Parent.

**YVON PARENT:** I would like to make a comment.

I am a member of an Aboriginal community, Mastoyach (PH), and the adoption issue is a really concrete problem.

There are things the Barreau can do, but at the same time I would like to not, parenthetically, that we seem to want to train Indian lawyers, but in the law that is enacted by the Parliament of Canada and all that.

We had discussed this at the committee, it was only discussed, but it is one of the things that would perhaps help in solving these problems, that is, to

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

develop Aboriginal law, law in the communities themselves.

In our community there are ways of thinking and things that are not necessarily inconsistent with the legal system or the Canadian justice system. So in the universities these are things that have been discussed with a view to making approaches so that this can be developed. In our communities, people have the feeling that they are being assimilated by going to university on the outside, and this is the kind of contact the committee wants to make with the communities.

As to the issue of adoption, there could be discussions and so on, but there really needs to be Aboriginal expertise developed, encouraged. This has been discussed and it is one of the things that has persuaded Aboriginal people who belong to the communities to participate on this committee. It is its openness on all these points.

**CO-CHAIR RENÉ DUSSAULT:** You are entirely correct. One of the things that has struck us, we have not gone outside Canada much because there is so much to do inside Canada. We went to Greenland and we went to see the Navahos in Arizona. One of the things that has



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

struck us is the emphasis that is now being put on developing a Navaho common law.

They had to start with the rules of the broader society and gradually incorporate traditional rules in the courts, have a body of law that is becoming more distinct and adapted to customs and tradition. So there is clearly important work to be done in this respect as well.

Of course we could spend several hours together discussing this issue. I would perhaps like at this point to ask my colleague, Mary Sillett, to say a few words or ask some questions.

--- (Brief pause)

I am told that I have covered the essence of the issues, and as we have another important presentation coming up, and we are already late in our schedule, we can only conclude by expressing our hope that you will persevere.

I think that we understand that this process is intended to be on-going and not ad hoc, and that it is fundamental that it be sustained if it is to bear fruit and produce results.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

Thank you, and we hope that over the next year if you have additional ideas, points you would like to present, you will not hesitate to contact us. We will be receptive to ideas that will add to the recommendations of the Commission, right up to the end.

Thank you, everyone.

**JEAN PÂQUET:** Thank you, Mr. Co-Chair, Madam Commissioner. Thank you very much.

**CO-CHAIR RENÉ DUSSAULT:** We are going to recess the hearings for five minutes, and resume with the presentation by the Groupe des vingt-deux [group of twenty-two], who are young people working with the Conseil permanent de la jeunesse [permanent youth council].

Thank you.

--- Hearing recessed at 5:12 p.m.

--- Hearing resumed at 5:32 p.m.

**CO-CHAIR RENÉ DUSSAULT:** The Royal Commission on Aboriginal Peoples in Canada is resuming its public hearing with the presentation of the brief of the Groupe des vingt-deux, who participated in the "Pour mieux se comprendre" [getting to know each other] meeting that brought together Aboriginal and non-Aboriginal young people in Quebec, and which was held in September.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

I would like without further delay to ask the group's spokesperson to proceed with their presentation.

**MICHAEL BETTS:** Good afternoon, Mr. Dussault. My name is Michael Betts. I am one of the members of the Groupe des vingt-deux, and also a member of the Conseil permanent.

The other people who are with me are Anick Riverin, Julie Bretons and Suzy Basile, who are also members of the Groupe des vingt-deux, and are also responsible for writing the brief we have here.

For those who want to follow our presentation a little, you may get the briefs at the back of the room.

The objective we adopted ... the Conseil permanent de la jeunesse had initiated a meeting with 11 Aboriginal and 11 non-Aboriginal young people who came from all over the province of Quebec. The objective of this meeting was to get to know each other, to manage to be able to have a dialogue, to be able to discuss problems, social problems, economic problems, and to be able to see whether we were capable of getting together and getting to know each

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

other better.

After this meeting, the group of twenty-two people who had taken part in that meeting decided to prepare a brief which was to be presented here to the Royal Commission of Inquiry. This is why we are here today.

The objective we set was to get to know each other better, in terms of both Aboriginal cultures and Quebec cultures.

We do not claim to be coming here today with solutions to every problem, but we want to manage to bring some human solutions to some very human problems.

One thing that was very clear and that came out very specifically was the need to communicate, the need to manage to express ourselves and learn about the other. And that came out very clearly and specifically.

This is more or less the objective of this meeting today.

I do not know whether you need to know what the Conseil permanent de la jeunesse is or if that is sufficient for you.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

**CO-CHAIR RENÉ DUSSAULT:** It would perhaps be useful to say something very, very brief about the organization, the Conseil permanent de la jeunesse.

**MICHAEL BETTS:** The Conseil permanent de la jeunesse is a private council. It consists of young people who are elected from across Quebec for a three-year term. Their job is to advise the Government of Quebec on all matters relating to youth. Generally speaking, that is what it is.

**CO-CHAIR RENÉ DUSSAULT:** There is an Act of the National Assembly which constituted this organization. It is essentially a government agency, but it is called private because ... of course it belongs to the people elected.

**MICHAEL BETTS:** That's right. It is young people who are elected who represent various youth organizations throughout Quebec.

I will give Anick the floor.

**ANICK RIVERIN:** To introduce us to the meeting, we started by seeing a play put on by the Parminou company, entitled "À temps pour l'Indian Time" or "À temps pour le temps indien" [Indian time].

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

This play dealt mostly with prejudices. It was an interactive play. So prejudices were mostly what came out of the discussion and the exchanges.

So we started to say ... specifically about cigarette smuggling, those things. So we found that there were a lot of prejudices about Aboriginal people. That is mostly what came out of the play.

If you follow our brief we are going to start by dealing with prejudices.

First we found at the meeting that there was a lot of ignorance and misunderstanding among the Québécois about Aboriginal cultures. We found that the information being presented was often distorted.

We identified as mainly responsible for this, the media, and also history courses. We found that there was a kind of misinformation circulating in this respect.

Particularly with regard to prejudices, we found that these two media accentuated them, that these two conveyors of information often accentuated the

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

prejudices between Aboriginal and Québécois people. The gulf was getting wider.

In terms of the reality of the Aboriginal situation, we found that, paradoxically indeed, it is the contrary. Since Aboriginal people often have to go and study in town, they associate with a lot of Québécois. So they are familiar with Quebec society, they see it frequently, and as well they often live in it.

So often, they in fact have a lot of knowledge about the Quebec system and about Québécois life, in a way. But we found that things are a little different when it comes to the Aboriginal people. Our knowledge was rather limited, we might say.

In terms of the power structure and young people, we often noted that young people felt that there was no room in that structure, in the sense that they were not consulted in decision-making, that they are not often asked their opinion or how they would go about things.

So we decided that there was just no room for young people in the power structure.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

We also found that there was often a gap between what people think individually and what is expressed by society. So society often does not reflect individual thinking.

We also decided that better communication would grow out of greater knowledge of and respect for differences and cultures. So we recommend that there be better communication, more real communication, more accurate communication between the reality of Aboriginal life and the reality of Québécois life, that the two be brought closer together.

Throughout the meeting we often tried to take this approach, to get closer together, and to establish parallels, with both differences and similarities.

In terms of social issues, we also discussed social problems as they affect young people in society. What we also often noted is again the fact that among young people the fact that it seems that there is no room in society for them caused problems at the individual level also, identity crises, questioning whether there is any room for them in the future or in society.



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

Once again, the fact that we are seldom consulted by the decision-making authorities came out. This is something that young people are very aware of.

We also noted that this kind of misunderstanding exists in the family, and this often creates communications problems in terms of the interpersonal relations among young people themselves and among people.

We also found that among Aboriginal people there was also a very important relationship. They attach importance to their relationship with old people, the oldest people.

In terms of young Aboriginal people in society, we also noted that in fact there are problems, like the fact that they are not represented at the decision-making level, which is frequently the case among both Québécois and Aboriginal people. This was a point we had in common.

We also identified the fact that Aboriginal people often have identity problems in terms of their place in society, both Aboriginal and Québécois society, we must point out. Often they must become immersed

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

in Québécois society, and they ask themselves where do we fit in, and at the same time, then, they suffer racism, which also devalues us. We feel devalued in our culture, and at that point that is one of the factors that may in fact lead to dropping out of school, which can exacerbate that tendency.

In addition, when they are with Aboriginal people, young Québécois, it is in fact this lack of understanding, this racism, that they are subject to in this way. That gives the Aboriginal young people the impression that there is no room for them in Quebec society, that they are not part of Québécois youth. That leaves them feeling left out, in that respect, in terms of the lack of understanding of their culture.

We also identified that there was a wide gap among young people between needs and resources. This problem was much more acute for Aboriginal youth, but was also true for Québécois youth.

In terms of programs, or just needs, young people are often not consulted to ask them their opinion, really, to know what they think about this decision

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

or that program. What often happens is that they are developed and they aren't suitable. They aren't what young people really want or what could do the most for them, they're what people think will do something for them.

We came up with some solutions for this.

So there should be more places for Aboriginal and Québécois youth just to talk, there should be more opportunities for meetings, just so that the two peoples can get to know each other better.

There is also the fact that young people and all of the people affected by various laws and government programs should be able to participate more in the decisions that affect them and take part in developing programs. Just in terms of adapting programs this is what came out again.

It is important to be able to express our views on this and to feel that they are taken into consideration. This would perhaps be a more effective approach.

Among the Aboriginal communities there was also to a large extent the fact that we would like to be

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

asked, we would often like to be asked our opinion before implementing programs, which could often then be more effective and better adapted to the reality of the Aboriginal people's situation.

Now July Bretons will talk to us about education.

**JULIE BRETONS:** I would first like to say, and this will help explain how the brief was written as well, that we concentrated, since our aim was to establish a dialogue, on the common points between Aboriginal and Québécois youth to start with. This is why there are separate parts dealing specifically with the Aboriginal situation, but in almost every part we note that the problems referred to that affect young people in general are most of the time more crucial for Aboriginal youth.

The main problem that springs to mind in education is dropping out. In fact we talked a lot about other programs but they are all related to dropping out because they often cause people to drop out.

We know that the dropout rate is higher among Aboriginal youth than among Québécois, for reasons that I will briefly discuss.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

First, there is general disillusionment in terms of the concrete relevance of courses, that is, everyone knows that a diploma won't necessarily get you a job, and is no longer synonymous with a job or work. Job security, well, for everyone, even more for young people perhaps, because they don't yet have access to the labour market necessarily. Job security is very fragile. Wages are tough.

So we know about current economic conditions, and that means that there is not necessarily any incentive for young people to stay in school longer or continue their education.

The biggest problem associated with dropping out that we identified, for both Aboriginal and Québécois youth, is that most of the time school is not suited to young people's needs. As Anick said, the lack of consultation by the people in charge or the decision-making bodies in general is also a major factor in education.

This is somewhat contradictory because in fact we know that the schools exist for and by the

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

students, but, well, there is seldom consultation when it comes to reforming programs, there is seldom consultation in deciding how to build schools, so that they will be a place where people can develop as individuals.

So young people often feel little connection with the institution, even though it should be made for them, designed to meet their needs.

Not much attention is paid to our dissatisfaction whether in terms of intellectual learning or in human terms, at every level.

So this was identified as a major factor in the dropout rate.

Then there was the question of school being imposed on a lot of young people as a place of coercion and obligation rather than a place where we should be going to get the knowledge that provides us with tools for the labour market afterward.

The lack of any connection between course content and the labour market is also important because a lot of young people are studying so that they can then go to work and there is very little practical application related to the theoretical content of the courses. So that was identified as a problem too.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

To summarize, we often get the impression as young people that the people making the decisions don't take the needs we may have into consideration, and so we lose interest, and often the effect of that is to lead to dropping out and then going out onto the labour market where there is an immediate sense of self-worth. When you have a job you get paid, and you have responsibilities that go along with it.

For people in the regions, for Aboriginal people as well, the distance factor is important because we know that Aboriginal youth are often compelled to leave their families -- this also happens for Québécois youth in the regions -- to go and study in the large urban centres.

We also know that there are few structures in place to help these youth settle, whether to overcome the language barriers or even just to soften the shock of cultural change. This is also a factor that discourages Aboriginal youth and Québécois youth from the regions, that discourages them from studying.

We also noted that there was often a lot of violence in the schools in the big urban centres where

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

they are obliged to go. Violence goes along with prejudice, with racism, which is perhaps more prevalent than we often believe.

To adapt the school system to the needs of Aboriginal youth, and this is definitely more obvious than for Québécois youth because there is, among other things, the language factor, the factor of having to face what is in a way the unknown, another culture than our own, and as Anick said, history courses are pretty poorly designed and so Aboriginal history is hidden away from the history that starts with modern-day Canada and Quebec.

In conclusion, and this goes with the broad recommendations that we will make at the end of the presentation, the impact of dropping out of school among Aboriginal youth should not be minimized by simply treating it in the same way as dropping out among youth in general. There are problems that are specific to Aboriginal youth, and there are also problems that are specific to the regions of Quebec.

We do not think that the solutions that are applied throughout Quebec are necessarily the right ones, the ones that can really solve things.



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

We think that students have to be consulted more, to know what they want, what they need, what they consider important, and to ask them about the quality of the education they are receiving.

The solutions that I am going to list relate fundamentally to humanizing the schools to a greater extent, to taking young people's needs into account, and to proving to them in this way that there is room for them in society, in their community, the community where they spend most of their time, the school.

So the first recommendation is to give students more power and more recognition in the various decision-making bodies connected with the school system. For example, the boards of education, when reforms are made, consult us.

Reform the program of history courses taught at the secondary level too, make them more representative of what history really is, from the time history starts, and that way perhaps we could abolish some of the prejudices that have been perpetuated for too long.

And place some value on subject areas

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

other than the mandatory courses, to promote creativity and initiative, which are necessary for social change and for developing entrepreneurship, which is in our view one of the most important employment prospects for young people.

I now give the floor to Suzy, who will talk about employment.

**SUZY BASILE:** Obviously employment is a major concern for most young people. We are all in agreement on this, that the future is uncertain.

There is a lot of emphasis on making a profit at the expense of human values, and this contributes to the dismantling of communities and regions.

Our leaders give little consideration to the consequences of economic development for the community and for our natural resources, with the result that fewer and fewer jobs are created, and that we are looking at a dark picture in the years to come.

We have agreed on certain principles, on the necessity to stimulate entrepreneurship and sustainable development.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

It is therefore essential in our view that we take responsibility for ourselves on an individual and collective basis in order to expand our present employment horizons.

The main recommendations in terms of the issue of employment were to provide better follow-up for young people who leave the remote communities and regions to encourage them to return to their regions or encourage them to continue their studies so that eventually they will be able to get a job.

We also recommend that communities develop more entrepreneurship in small and medium-sized businesses right in those remote communities and regions.

We also emphasized the importance of establishing policies for reorganizing work, both in Aboriginal communities and remote regions and in urban centres.

We also emphasized the importance of stimulating entrepreneurship among young people in order to draw more on their innovative and creative potential.

One final recommendation we considered

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

important is that information on programs relating to creating businesses and jobs and all government information be more accessible and distributed better to young people in the schools and elsewhere.

I am going to let Michael talk to you about economic development and the environment.

**MICHAEL BETTS:** The environment was extremely important to the Groupe des vingt-deux. One thing for sure was that overconsumption of natural resources was a flagrant lack of respect for the environment of our planet.

The one thing that must be remembered it is that the Earth is not for sale, and that was clear to everyone.

We young people firmly believe that it is possible to be able to reconcile economic development and the environment, and that we can manage to think about development that preserves nature, which means that we believe that jobs must be developed from this point of view, even if that sometimes goes against the principle of short-term profit.

We believe that if all of society

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

mobilized on this path, we would be capable of getting together and finding avenues and solutions that could be applied and that would be beneficial for all of us.

The main recommendations we drew up, you will note that some of them deal with recycling and the use of biodegradable products or products that do not damage the environment.

There is also something that is very important, and you see this in recommendation 6, making ecology profitable so that we reduce the vicious circle that sets profits and the economy up against the environment. This is something that we believe that the government will have to get actively involved in, in order to succeed in reconciling the economy and ecology.

Finally, in the last recommendation, without wanting to set the Aboriginal people up as the saviours and guardians of the environment, promote a partnership with them to better protect the environment, to develop our natural resources, and to promote sustainable development.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

We believe that the Aboriginal peoples can manage to make a big contribution to achieving these things, the things that we all as young people expect.

I will now give Julie the floor, to conclude.

**JULIE BRETONS:** So in the conclusion, which is called "Au-delà des thèmes" [beyond the themes], that speaks volumes. What it says that is most important to us in fact is the desire to communicate that we brought to the three days of discussion between Aboriginal and Québécois peoples. We have to develop a new form of dialogue between these two nations, because we cannot operate in the present and the future the way those who preceded us have.

Communication, partnership and consultation must take the place of confrontation.

Starting today, it is of primary importance to go beyond the prejudices that have been perpetuated for too long, and try to understand and take concrete action with a view to making a real improvement in things, in a spirit of mutual respect and listening.

It is essential to us to reform the way

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

politics operates at present, so that it will be more suitable to the needs of society as a whole, including everyone, Aboriginal people, Québécois, young people, and everyone generally.

As Michael said, the search for immediate profit, for profitability, must give way to broader consideration for the environment and the humanitarian needs of a society.

Politics must become more flexible and open up to greater cooperation and consultation with the members of society, so that everyone is respected, so that society is fairer for everyone.

As young people, Aboriginal and Québécois, we want to take a greater and more active part in the social changes that are needed. We want to be able to get involved in these changes, because we believe that the health and proper functioning of a society are everyone's business, and particularly ours, since it will soon be our turn to manage that society and keep it healthy.

So ultimately room must be made for young people, more room for Aboriginal youth. Everyone must

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

be able to have a say, or a greater say, in any event, on issues and in decisions, on government policies that affect them

We will now move on the three broad recommendations.

I turn the floor over to Suzy.

**SUZY BASILE:** We thought it was a good idea to highlight, if you will, some recommendations that we consider to be very important. We decided on three, the first of which concerns a youth council.

In order to work actively on breaking down the various prejudices that divide Aboriginal nations from the Québécois people, we recommend the creation of a joint Aboriginal and Québécois youth council. The purpose of this council would be to continue and broaden the work undertaken at the meeting which is the subject of our brief.

We believe that it is essential to establish a body that could do long-term work on the relations between the Aboriginal people and the Québécois people, and at the same time be more representative of young people representing the various nations of Quebec.



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

In order to improve communications between nations, we must get started on this work and this cooperative effort.

**ANICK RIVERIN:** The second recommendation deals mainly with the application of government decisions to Aboriginal people. We are asking for greater autonomy, to have more input into the directions our community, and society at large, are taking.

We believe that the groundwork for building social peace at this time will consist largely of respect, involvement and listening to each community that is a part of the Quebec scene.

We believe that in order to evaluate the benefit of government action and social programs we must seek the opinion of the people who are actually affected by these actions. We must consult them, and this will provide them with a genuine opportunity at that point to have more input into programs, and these programs should be adapted to them, so that programs should not always have to ... you should not always have to find some way of fitting in or find a way to adapt yourself, everything should not be done already, you should not have to do that.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

This input should in fact be sought from both Aboriginal people and other ethnic groups.

I will now turn the floor over to Julie.

**JULIE BRETON:** So we have already discussed the third recommendation: that more room be made for young people. The importance of that, in fact, is that we discovered that we have a lot of points in common as young people in a society where a lot of young people find it hard to live.

We had a lot of points in common, and so we thought it was important to make more room for young people, and in view of the positions we are taking, looking at the future, because we want to things to change, to take the environment, human values, into account, we think that as young people we may have something to say, more than we do now.

**SUZY BASILE:** So this completes our presentation.

**CO-CHAIR RENÉ DUSSAULT:** Thank you.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

I would first like to thank you for having continued with the work you started at that meeting and around the play, to prepare a brief to the Royal Commission on Aboriginal People in Canada.

We have often had occasion to say, what the Commission produces will essentially be what people put into it, we are very aware of that. In that light, I think that your contribution is very important.

We have had a number of contributions from youth groups in Canada. It has not always been easy to get presentations from non-Aboriginal youth at the public hearings. We have had several presentations from young people in the Aboriginal communities. We have had a lot of meetings in the schools as well, at the primary and also the secondary level, grades 9, 10, 11 and 12, to discuss how young people see the future and the barriers they see to going on to post-secondary education.

We have tried to have regional Round Tables where we had young people come and express their viewpoints to the Commission, both Aboriginal and

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

non-Aboriginal, but I think that this is certainly one of the most structured presentations that have been given to us at this point. We would like to thank you.

My first question, and I am very aware that this comes in the wake of the work done in September by the Groupe des vingt-deux. You brought together Aboriginal and non-Aboriginal young people.

How did you decide the make-up of this group of 22 people who spent a weekend in a cross-cultural learning experience? How was that done?

**MICHAEL BETTS:** This was done somewhat differently on the Aboriginal and non-Aboriginal sides.

On the Aboriginal side, what we did, we produced a poster saying what we wanted to do, and we sent it to each of the Aboriginal communities across Quebec, in the 11 nations and all the reserves.

We also contacted resource people in each of the communities to suggest people to us.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

Starting from there, a lot of names were submitted, and there was a selection committee set up jointly with the Conseil permanent de la jeunesse and the Secrétariat aux Affaires autochtones. And we selected 11 representatives for the Aboriginal nations.

On the non-Aboriginal side, we operated through contacts that the Conseil permanent de la jeunesse has with various youth organizations throughout Quebec, in order to be able to go and find some degree of diversity or some degree of general representativeness. So that operated more through contacts, to get people who came from the North Shore, from Abitibi and from the metropolitan regions, or sometimes who represented the cultural communities in Montreal.

**CO-CHAIR RENÉ DUSSAULT:** And I assume that you had some funding from the council of the Secrétariat for expenses, because often that is the problem in organizing a thing like this. So you have the support of the Conseil permanent de la jeunesse.

A second question, a technical one.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

I understand that you did not have enough time to go any further in terms of the structures of the Conseil permanent de la jeunesse. Do you intend to pursue this with the Conseil as a whole in terms of the effort to bring together Aboriginal and non-Aboriginal young people in Quebec?

In other words, this brief is a brief by the group of twenty-two people met, and it was not approved by the authorities at the Conseil, et cetera.

My concern is more to know not so much in terms of the brief, but will your work have any effect on the activities of the Conseil permanent de la jeunesse itself? How aware is the Conseil of the work being done to bring Aboriginal and non-Aboriginal young people in Quebec together? What are your views on this?

I know that you don't speak for the Conseil at this point, but how do you ...

**SUZY BASILE:** If I may? I would just like to add something.

What I wanted to say, with respect to

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

funding just now, we had funding for the meeting but not for the rest.

Second, I think that the Conseil will be starting up again in February and I hope that the Aboriginal question will be taken up by a member, whether Aboriginal or non-Aboriginal, it makes no difference, and that will provide some follow-up to what we did on the weekend in September, and also to this brief, and go into the various questions in greater depth.

We cannot give any assurance that there will be follow-up, but we hope there will. Personally, in any case, I think we can say that there will be follow-up.

**JULIE BRETON:** The first recommendation in the major recommendations we made relates to exactly that. In fact what we would like to see is for there to be a committee that is created apart from the Conseil and for it to work strictly on these issues, on inter-nation relations, because this is a very broad issue.

In fact, because we have not been able to pursue our various points of discussion in greater depth, we have been unable to suggest a really appropriate solution for all the problems. We think this will be one way of doing this.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

In recommendation one, examples of committee activities would be putting out a newspaper which would, in fact, sort of provide counter-information relating to Aboriginal issues and also Quebec issues. This would be one of the activities that we would like to do separately from the Conseil and it would also be great if the Conseil continued too.

I think that it supports us in this objective of creating a committee, but that remains to be decided.

**CO-CHAIR RENÉ DUSSAULT:** Thank you.

If I understand you, after the meeting in September, essentially, a group met and put some work into preparing this brief. I think I can see the kind of effort that was put into it on a volunteer basis.

You circulated this brief to the 22 participants, is that right?

**JULIE BRETONS:** We gave it to the six who were on the drafting committee. In fact the Conseil organized a meeting after the weekend, an initial meeting, which brought together the members of the drafting committee that had been elected at the first weekend.



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

Starting from that, we decided to draft the brief ourselves, the committee of six people, and we circulated it. We each made our own corrections and now we are going to send it to the 22.

**CO-CHAIR RENÉ DUSSAULT:** Thank you for what I would call that somewhat technical clarification, but it assists us in seeing exactly what the scope and framework of the work you have done were.

I believe that there are a number of groups in society who are concerned with how relations are deteriorating between Aboriginal and non-Aboriginal people. This is true in Quebec, and it is true throughout Canada.

Of course, in terms of youth in particular, it is clear that there is perhaps the most reason to hope for something lasting to be built.

One of the things that is often said to us, and you point this out in your brief, is the information gap that exists in the public schools. Of course this is well-known in terms of history, we have corrected the worst

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

stereotypes in the school texts, but there is still a major problem in this area, but also in terms of actual knowledge of what goes on right around us.

My first question, which is perhaps at the same time a suggestion. I know that the Secrétariat des affaires autochtones in Quebec has published a little pamphlet which, for example, very succinctly, sets out the geographic map of the 11 Aboriginal nations, and provides a number of pieces of information about their membership, their numbers, their languages.

It seems to me that if we spent an hour or two in the schools, either at the end of primary school or at the beginning of secondary school, to familiarize the students with the purely physical and geographical reality of the Aboriginal situation in Quebec, this would in itself be considerable progress.

In a way I want to point out that in this respect I have the impression that a group like yours in itself, and perhaps through the structure of the Conseil, can get a number of things going. We're not talking about a 45-hour course. We are talking about something that might have a major impact on basic knowledge.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

Of course there are a number of recommendations that relate to the various aspects of young people's lives, whether in terms of schools, of jobs, et cetera, but also under the general theme of reconciliation and mutual knowledge, of course we are privileged, we on the Commission of inquiry, to have travelled across Canada, to have seen what we have seen.

Often we would have hoped that what we say could have had somewhat more far-reaching impact, that the benefit of it could be made available to the general public. So the same thing, you had a meeting but there are so many more things to do.

You of course intend to continue the work you have started, in any event, what I often suggest to you, little things have a greater chance of getting done, doing little things rather than trying to make major changes at the outset. This is an idea which I wanted to have the opportunity to suggest.

**JULIE BRETONS:** I would just like to say on that point, on the question of the pamphlet specifically,

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

that I tried it when I got back from my weekend because they gave it to us and I did a general test among the people I know, showing them the map, and not one knew that there were 11 Aboriginal nations, first off, and that there were so many Aboriginal communities in Quebec. So that is something that is effective, yes.

**CO-CHAIR RENÉ DUSSAULT:** Thank you.

I would like to get back to the essence of the question, Aboriginal young people.

There is a much higher proportion of young people in the Aboriginal population than in the non-Aboriginal population, so I think that this is one more reason to get together with Aboriginal young people. This is a reality that, again, is not well-known outside the Aboriginal communities.

We have to do some work on making this reality known, because it is certainly a factor that will operate in the future of the Aboriginal communities themselves, but also of all of Quebec society and Canadian society.

Here again I think that in terms of informing the public there is a role for a group like yours

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

to play. The dropout rate is a major concern in society as a whole, and certainly of particular importance for the Aboriginal people.

There are numerous [factors?] in this, both inside and outside the family, but there is also the fact that school programs are seen as irrelevant in relation to real life, and also the coldness of the schools and the systems. Young people have the impression that it is designed somewhere else and we are the ones who have to live with it.

You emphasize, among other things, the role of parents, the values attaching to education, to training. One of the things that has struck us, we often have occasion to say that there are no jobs, et cetera, but it seems fairly clear despite everything that, among other things, there has been phenomenal development in the Aboriginal community with the advent of self-government, and so go and get training, even if the job isn't at your door tomorrow morning, it isn't necessarily very far away. Ultimately, to have the choice.

How can we make the connection between the concerns of Aboriginal and non-Aboriginal young people?

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

You spoke about the value in the environment, and I think that this is quite spontaneous, but in terms of the future, to stay in the school system and build a better future as partners, as a team, do you have any thoughts on that?

In terms of the Commission, of course you have the three big recommendations, you have a number of recommendations, but what should the Commission be saying so that both ... of course in Aboriginal societies there is a lot of room for young people. There is the whole relationship with the elders, which is increasingly complex, in a way, despite all the respect given to elders in Aboriginal societies.

If you could think, in the weeks to come, the months to come perhaps, in terms of a type of recommendation that the Commission ... if the Commission had one or two recommendations to make which would be broad in scope both on the idea of reconciliation among young people and also to push educational, postsecondary training, this is more or less what we would like.

Often when we are forced to say, well, what is the priority or priorities, then that stimulates the

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

imagination and also the sense of reality.

Have you thought in these terms? I would hope that you will be able to continue your work. The Commission may echo it and perhaps try to have a broader impact. We hope to do this by really connecting with reality, with the people concerned.

**MICHAEL BETTS:** If there is one big message that I can pass on about this, it is that if we were able to manage with young people kind of from over, kind of diverse, and we even had Aboriginal young people, we had stalwart sovereignists, we had federalists.

If we were able to manage to sit down at the table and manage to have a dialogue on social problems and economic problems, if we were able to understand one another, we were able to talk to each other without slinging mud, then I think that the people who make the decisions, the representatives of our governments, whether non-Aboriginal governments or Aboriginal governments, could perhaps manage to sit down and have a frank dialogue, manage try to find real, concrete solutions that could help everyone.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

One thing that we know we are here to come and tell you is that we, as young people, we are often called idealists, but more and more we see things as they really are and more and more we are able to manage to find our solutions, our solutions that are often perhaps a bit too innovative, perhaps a bit too creative.

If people had a bit more faith in us, perhaps we could manage to have a bit more input into what is going to happen to society.

In terms of jobs, there is one recommendation that is very, very down-to-earth. We are saying to the government, something has to be done to reorganize work. We have to get together and take another look at how our systems operate. We are thinking of early retirement, or job sharing. And that is just the tip of the iceberg.

Maybe we can reexamine the whole system, how work is divided up. We know that we are about to become a mechanized society, where machines replace man, and there are fewer and fewer jobs available, and perhaps we are going to have to reexamine the concept of the leisure society.



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

There are a lot of things that we can manage to sit down, in practical terms, but the main thing is dialogue. If we were capable, young people who were different, of sitting down and having a dialogue without pulling our hair out, I think that the others are also capable of doing it.

We are asking that you manage to listen to us, and to trust us also a bit.

Thank you.

**CO-CHAIR RENÉ DUSSAULT:** Thank you.

Mary.

**COMMISSIONER MARY SILLETT:**

[ENGLISH FOLLOWS]

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

**SUZY BASILE:** If I can try to answer your question.

Yes, we have discussed them, but still fairly generally because we had to focus on the four broad themes. We could have spent a lot of time on them, we could have talked about the claims, about self-government. These were also interesting subjects. They are also subjects that we want to keep for future discussion.

If I can talk to you a bit about education.

We cannot force people to leave the communities. We don't want to force them to go and study at the CEGEPs and the universities on the outside, in the urban centres. They are going to have to make their own choice, as I personally have done.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

We need leaders in our communities. We need a new kind of young people. We also need to find examples of other young people who have done it, I have an example. But it is not obvious. You have to make the choice.

Myself, I chose to leave and go to university to study, but that was still a wrenching choice in several respects.

When young people in our community and young people in general in the communities all decide to go away and to and study on the outside, after that will come the question of having a choice: Am I going to stay in the city or am I going to go back home, develop something of my own?

In general, that is our main demand, autonomy at the local level in our communities, certainly we need a land base. The Inuit in the North have theirs, and that's fine, that's number one.

As soon as we have a proper land base and feel that we have a home, then development will come with it, economic, social, community development, et cetera.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

But all we need is to wake up and leave  
to go and study, and then we have the choice of coming back  
or doing what we want.

**COMMISSIONER MARY SILLETT:**

[ENGLISH FOLLOWS]

**ANICK RIVERIN:** What might help us  
again, I think, specifically, is to create bridges between

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

the Aboriginal and Québécois people, so that Aboriginal people feel more accepted in urban communities and also in ... in the schools, to inform them, to inform the Québécois about what it means to be Aboriginal.

Often prejudices, that kind of difficulty in making the transition, it is hard for Aboriginal people to go through, because we know the importance of the family, of Aboriginal identity. For an Aboriginal that is important.

So if we could start to facilitate that transition, probably that would help, and also provide resources for Aboriginal people leaving their communities, to help them settle in urban communities. Often this is the first time you are leaving the community to go to school. To make this passage between the communities and the city easier for them by offering them resources.

Probably this education, between the two nations, the Quebec nation and the Amerindian nation, not only preparing for postsecondary education. It would mean starting to prepare in primary school, that people start to

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

be made more aware of the reality of the Aboriginal people's situation, demystifying, getting away from the mystery.

What would probably help Aboriginal people specifically is to feel that there are jobs in the communities that they can get. It is true that there are a lot of jobs available in the Aboriginal communities, but often it is still a matter of expertise, skills, because the people who are already there sometimes do not necessarily, you might say, have the education that goes with it, often, to make room for young people.

If a young person shows up with a diploma, when the position is open, that young person should be able to get the job, that should be encouraged. But don't necessarily cut the young people who are in the city off from their roots. Like the friendship centres, it is important to preserve this kind of organization or else if you cut off your roots you die. It's a slow death. In a way it forces you to go back to the things that keep you alive.

**SUZY BASILE:** I would perhaps like to add something on this point.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

Certainly getting rid of prejudice would help things 100 per cent. That is for certain.

There is also something else. I am going to give you an example from my community, which I know particularly well.

There is a secondary school up to Secondary V in the three Attikamek communities. The question is when Secondary V finishes -- I haven't had this experience myself because at that time we were sent to schools on the outside -- then comes the transition. You are 16, 17 years old, you finish your Secondary V and then you have to go to college or university, depending on where you are.

You decide to leave home and you go to the city, and you have no support. There is nothing. So at present there are committees starting to form or people who have already left our communities and are living on the outside facilitate things but when you get off at Quebec City or Montreal and you have to go to the CEGEP and the first thing you run into is prejudice. That is the wall you have to get over, you sometimes have to put blinkers on to be able to get through that.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

Certainly there has to be, as Anick was saying, committees, support, programs when you get to the city. And particularly around the language question. You did your school in your language with a French component in our community, and you don't necessarily have 100 per cent of the knowledge to study what you want in the CEGEP or in the colleges without having problems. When you get to the city you don't have it either when you start out. We must [not?] forget that.

We have to find ways of doing this, and this would be something else we could look at more closely, to see exactly what the transition is between our community, which is where we go to secondary school, and the CEGEP or the urban communities.

**COMMISSIONER MARY SILLETT:**

[ENGLISH FOLLOWS]



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

**ANICK RIVERIN:** Suicide was not really discussed in any depth in the Groupe des vingt-deux, but perhaps I can give you my views and the others can add to what I say.

In terms of suicide what I have found in the communities, as I said earlier, is a lack of resources.

People know that there is a problem but there are no resources, you don't get any help, you don't know where to go.

There are no suicide prevention clinics.

As young people, we are faced with ... whatever, with no matter what, whether you are Aboriginal, Québécois, you find people like that all over, except we don't know how to respond to that phenomenon.

I think there is also a question specifically of the confrontation that always exists between Quebec society and Aboriginal society, which is

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

often repeated in the media and in the schools. So you [don't?] experience that in a very pleasant manner.

Sometimes the impression you give when you are in the city, sometimes you have the impression that you are kind of betraying your Aboriginal side, joining the system. Well this transition is not easy to make. You experience prejudice and at the same time you experience the prejudices that exists in your community sometimes, just because you have gone to study or things like that.

And too when you study or even when you are in the community there should be even stronger value placed on your own culture, you should be told yes, there is room for you, you should be encouraged more.

If we just made it easier to build bridges between Quebec society and Indian society we would perhaps have less difficulty moving from one to the other, feeling that in that world, in that society, there is room for Aboriginal people, we are respected as Aboriginal people, that we have our identity, it is built up, and it is respected. That in itself would be a big help. I believe that for all young people or all Aboriginal people in

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

general that might be something of primary importance, something essential, to develop that perception, to develop that knowledge, to be respected. That could solve some problems.

**JULIE BRETONS:** When we talked about suicide, and this was for both Québécois and Aboriginal young people, one of the causes we discussed, and which touches on all the areas we considered, is the difficulty in affirming ourselves as we are, of developing ourselves in a place where everywhere we get the impression that there is no room for us, in fact.

Aboriginal young people, for specific reasons on top of the problems that Québécois young people experience, but the point is that it's extremely difficult to have prospects for the future in the broad sense, and that means not only a job, not only how to earn a living, and am I going to be able to support my children?

It starts right away. It starts the moment you go to school, where you have to work like crazy at the same time as going to school, to succeed. You are doing a B.A., you have to work 30 hours/week at the same time. Something doesn't make sense.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

In all areas of life it builds up, and you get the impression that there is no room for you. It won't solve the problem just to put a young person in the House of Commons, to open up a youth seat and put it there so we can take part in decisions. It's much deeper than that.

It cuts across society, and I think that is why we have been able to have broad recommendations like we have here. I am speaking for myself, I believe that I have nothing to lose, in fact, because I don't have anything yet.

The changes that may happen, I have the impression that my own interests are being trampled, I want to see these changes.

I believe that dialogue isn't just talk/listen, talk/listen. It is stopping and taking a hard look at your own personal position, and thinking what is best for a bunch of people, 6 million people. If I just think about my job, my own little future, and everyone does the same thing, nothing will ever change.

At some point we have to broaden our horizons, I think. As young people, it is perhaps precisely

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

the fact that we have very little that makes us want to open things up more.

**SUZY BASILE:** I would perhaps like to add something by coming back to the question of the suicide rate, which is very high in our communities.

It's not apparent [no fun?] when you are young and you have nothing in front of you. All you see is a black cloud.

And then the feelings of inferiority we have had for a long time or that people gave us.

There is also the fact that there are social problems, with drugs and alcohol widespread in the communities. That doesn't help either.

There is also the question of being stuck on a 2 km<sup>2</sup> Indian reserve. Personally, this wasn't my goal in life. It is really not a nice feeling to feel like that in a whole big country or in one area in particular.

Myself, I want to take a longer-term view. I tell myself that development in the broad sense will be a big help in having, first, a goal in life, knowing where we are going, and certainly in the long term in lowering the suicide rate.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

Just the fact of feeling like we have a home and of being entitled to our own identity, that will be a start and will help a lot.

I say this simply in the broad sense, on its own, but here again I base this on there being development.

**ANICK RIVERIN:** I also think that it is important not to underestimate the importance of drugs and alcohol in the Aboriginal communities. This is an enormous problem too, and it can often lead to suicide for some young people and other people as well, in other age categories.

Here there is really work to be done in getting appropriate programs, not waiting to send someone to therapy until he or she is just about on the edge of dying because of an overdose or whatever, waiting for people to get right to the limit to tell them okay, we're going to help you.

People who need help should be able to get a response that meets their needs. Nor should we always set high standards for that. That might help.

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

And specifically, adapt drug and alcohol abuse programs to the reality of the Aboriginal situation, to their identity. The fact that if you feel better about yourself you feel better in society can be good. There is a connection.

I think that drug and alcohol problems are often just an expression, before people go out commit suicide or go right to the extreme edge, it is an expression of emotion, of people's feelings of pain.

If there were more solutions that applied more, like therapies, solutions that applied to their identity ... and there are not just therapies. We are not just talking about when people have got deep into it. We can talk about prevention. It would be very important to have preventive action around drugs and alcohol in the communities through information clinics, by demystifying and really presenting the reality in their community as well, what it is, getting out the data, and find out about it, and tell them what resources there are.

**COMMISSIONER MARY SILLETT:**

[ENGLISH FOLLOWS]

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

**CO-CHAIR RENÉ DUSSAULT:** I would like to join Mary in thanking you for coming to make this presentation. Once again I think that you have given us a message of hope.

We hope to be equal to our task of what you present as a number not only of concerns but also of solutions for the future.



**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

I can't help thinking, as we are on cable, on Channel 49, and as has often been the case during the Commission's hearings for a year and a half, that it would be a good thing if a large number of people were watching a presentation such as the one you have just given.

I think that this would be of great assistance from the point of view of reconciliation and understanding, not only between young people and society as a whole, but also between Aboriginal and non-Aboriginal people.

I would like to thank you for this contribution, and wish you good luck in carrying on your work, your discussions. You know that we are here and we are always available to listen to you in the course of the next year.

Thank you.

The Royal Commission recesses its proceedings until tomorrow morning at 9 o'clock.

We will have the opportunity to hear, as the first presentation, the brief of the Centrale de l'enseignement du Québec, followed by the Federation of

**November 30, 1993**

**Royal Commission on  
Aboriginal Peoples**

Canadian Municipalities, the Association of Canadian Universities for Northern Studies, the Canadian Arctic Resources Committee, the Native Alliance of Quebec Inc., the Manitoba Keewatinowi Okimakanak Inc., a group from Manitoba, and the Centre de ressources sur la non-violence.

Thank you, and we will see you tomorrow at 9:00.

-- The hearing is adjourned at 6:44 p.m., to resume at 9:00 a.m. on Wednesday, December 1, 1993.