

# **UNOFFICIAL ENGLISH TRANSLATION**

## **NATIONAL ASSEMBLY QUÉBEC**

*Hearings' schedule*

(Subject to change)

### **[TRANSLATION] Economics and Labour Commission**

**Special consultations and public hearings concerning the working document entitled [TRANSLATION] *The occupation of forest territory and the set-up of forest development companies***

***Tuesday September 23<sup>rd</sup>, 2008 (Louis-Hippolyte-La Fontaine Room)***

- 9:30 Preliminary remarks
- 9:45 Quebec Forest Industry Council
- 10:30 Regional Conference of Elected Representatives from Estrie
- 11:15 [TRANSLATION] Quebec Federation of Maple Syrup Producers
- 12:00 ***Break***
- 2:00 Quebec Labour Federation
- 2:45 Centre for Forest Research (University of Québec in Montreal)
- 3:30 Regional Conference of Elected Representatives from Northern Quebec – Regional Cree Administration
- 4:15 [TRANSLATION] Quebec Federation of Trapping Managers
- 5:00 Adjournment

***Tuesday October 14<sup>th</sup>, 2008 (Louis-Hippolyte-La Fontaine Room)***

9:30 Canadian Parks and Wildlife Society

10:15 Grand Council of the Crees (Eeyou Istchee)

11:00 Quebec Outfitters Federation

(Back in session at 3:43)

**Ms. Gonthier, President:** Order, please! So, I'm inviting the representative from the James Bay and Northern Québec Regional Conference of Elected Representatives to introduce him self and those who accompany him. You are awarded 10 minutes for your presentation. Afterwards, we will be exchanging views with the members of the Commission for 35 minutes. Gentlemen?

**Mr. Saganash (Romeo):** Many thanks, Madam President. My name is Romeo Saganash, Director of Quebec Relations for the Grand Council of the Crees and also for international affairs. With me today are Geoff Quaile, the Environmental Analyst for the Grand Council of the Crees; Jean-Sébastien Clément, Barrister, Legal Advisor for the Crees; and Isaac Voyageur, Natural Resources Coordinator, Cree Regional Authority.

So, first, I want to thank those who are allowing us to discuss this important issue here, at the National Assembly. I will begin with a brief summary of the current Forest Regime, of the *Paix des Braves Agreement*. In Crees' minds, the very root of this Regime developed as far as in the middle of the eighties during the last revision of the Forest Regime by the Québec Government.

The Crees were then, as they are today, asked to express their opinion on a new Forest Regime being proposed for the future. The comments and concerns we voiced at the time led to a 15-year long public and legal storm on forest revision, particularly with regards to Northern Québec. The Crees, at the time, voiced several warnings related to the industry's overcapacity, the unsustainable harvest rates and their impacts on traditional Cree activities. We also expressed concerns regarding the overlooking of our right to efficient consultation within the framework of the applicable Forest Regime.

Today, Crees proudly look back on their efforts, because we now enjoy a Forest Regime that allows us to do our part in determining how logging operations are executed on our territory. We also notice that a number of our warnings on the unsustainable practices of the former Forest Regime proved to be right, as stated in the findings of the Coulombe Commission and in the revisions made by the Chief Forester regarding the allowable annual cut.

All Québécois benefited from our contribution to the Forest Management Regime in their province, since our concept of the forest,

as a dynamic ecosystem, corresponds to a popular notion which Québécois cherish. For us, and for most Québécois, the notion of "forest" is broader than "a timber reserve for lumber plants", which we consider a narrow and regional perception.

Some of the most forward-thinking opinions on the Québec Forest are found in the Green Plan. We obviously see this as a positive evolution. However, said positive evolution is ruined by the Government's intention to no longer take part in on-site planning and management. Just as no one can care for a garden while remaining indoors, forestry management cannot be done from Québec City. Today, we were invited to make a presentation as partakers in the Regional Conference of Elected Representatives, also called "CRÉs". I'll be focusing on that topic during the short laps of time awarded to us today.

I was here at the National Assembly seven years ago to witness the signing of an agreement in principle between the Crees and the Quebec Government. Said agreement led to the signing of the *Paix des Braves Agreement* at Waskaganish in February 2002. In each case, the signatures appearing on the documents represented two peoples and two nations. Same occurred at the signing of the *James Bay and Northern Québec Agreement*. I insist on these signatures because of the people they represent and of what the Québec Government represents when it fulfills the fiduciary obligations of its people, namely all Québécois, towards the Crees. None of these Agreements bear the signature of any representative from a municipality or a regional council, or that of a mayor. These entities have no fiduciary authority related to these Agreements.

Those two nations have decided, reciprocally, to commit to these Agreements where the various conditions in which our two nations will collaborate to the social and economic development of the Eeyou Istche and of the James Bay territory are stated. This has always been the foundation of our relationship. As summarized by Section 2.3 of the *Paix des Braves Agreement*: "This Agreement marks an important stage in a new nation-to-nation relationship based on openness, mutual respect and a greater responsibility of the Cree Nation for its own development within the context of a greater autonomy".

These terms are identical to those included in the *James Bay and Northern Québec Agreement*, where it was confirmed that the Crees had rights not only to have a say on territorial affairs but to active participation in them. Today, some 33 years later, the Crees are invited to the National Assembly to express their opinions on the

Green Plan for forest development, which, in our opinion, is like returning to the reserve system as provided for by the Indian Act.

You may find this statement to be dramatic, bold or even shocking? I'm hoping so indeed, because this is how the Crees felt when they learned what the Québec Government intended to do concerning the Crees' role on its territory. Shocked at first, we grew a deep feeling of betrayal when we realized that a little while after signing an Agreement, the Québec Government had turned its back at the Crees. In retrospect, we can only guess that the Liberal Government never intended to abide by this Agreement it did not enter into, at least concerning natural resources.

Aside from judicial technicalities, suffice is to say that within the year following our nation-to-nation Agreement, the Government began to adopt various Acts and Orders-in-Council in an attempt to decentralize its powers. Inspired by the spirit of good will included in the *Paix des Braves Agreement*, we, the Crees, trusted you - sadly. We thought that said decentralization would, in fact, lead to the set-up of the terms for "this greater responsibility for the Cree Nation for its own development within the context of a greater autonomy". End of quote.

But that was not the outcome. It became obvious for us in 2006 when the Government adopted an Act that set up the CRÉ network for Québec, granting them the power to act as main stakeholders regarding regional development on the territory they represent. For our territory, this Act led to the set up of a CRÉ for the Crees and another one for the James Bay Municipality, known as the CRÉ-BJ. The creation of these two entities caused a major difference. Québec now alleges that the CRÉ-BJ is the Government's key agent for Category II and III lands under the *James Bay and Northern Québec Agreement*, while allegedly, the Cree CRÉ has powers only on Category I lands, in other words on the reserve itself. For us, this is betrayal, this is the Government turning its back on the Crees and ignoring our nation-to-nation Agreement.

As I already stated, this Act is like returning to the Indian Act, into which Indian interests began and ended at the boundaries of the reserve: no say with regards to regional pricing, social and economic development or Native Lands. Now, could you tell us how this allows us to take an active part into the affairs of the territory? Can you explain to us where the greater autonomy is for us? Whatever organization exists now, whether it's the James Bay Advisory Committee on the Environment, the Joint Committee on Hunting,

Fishing and Trapping Coordinating Committee, the Cree-Quebec Forestry Board, etc, all these statutory organizations, and the roles of the Crees within them are marginalized by the CRÉ regime, which attempts to validate the assumption that Cree activities are of no interest beyond the community's territory.

**Ms. Gonthier, President:** Please conclude.

**Mr. Saganash (Romeo):** Oh, I'm already there? OK. Mostly, what we want to say today, Ms President, is that what has been put in place with the Crees, for us, is merely anti-constitutional practices and policies that also violate the *James Bay Agreement* and the *Paix des Braves Agreement*, and that fundamentally we are returning to a colonial practice, namely to put Aboriginal in reserves and whatever is beyond is for everyone else to care for. This is what we are denouncing today about this policy. Thank you.

**Ms. Gonthier, President:** Thank you. Madam Minister?

**Ms. Boulet:** Well, hello everyone. So, thanks for being here. So, obviously here, I think that your presentation was more closely related to a matter concerning the Ministry of Municipal Affairs and Regions. So, I'll be sharing your concerns with my colleague. Obviously, the CRÉs are under the jurisdiction of the Ministry of Municipal Affairs and Regions, so are the territories associated with them. So, I'm acknowledging what you're saying, what you're bringing forth today.

Now, what we are doing... In fact, everyone here is working very hard on the revision of the forest regime, which dates a few decades. What we're very much aware of is that this revision, or this new regime, must be articulated around all the partners, all the stakeholders in the Québec territory, and certainly the Aboriginals are key players in this case. So, we are very happy to welcome you here. And, in fact, what we wanted, it was about the management of the forest territory, to know how it's going on for you. We know that the *Paix des Braves Agreement* dates back a few years. We would have liked to hear your thoughts on what you're getting from your common ability to balance the industrial use of the forest with the protection of the Cree culture. How is it going? Did the *Paix des Braves Agreement* allow you to achieve the goal set when the Agreement was entered into? Was the territory protected? Are you... do you collaborate in harmony with the industries or with the individuals that are on your territory? Have jobs been created within your communities? So, do you think that what's in place is all right? Do you think that the regime should be changed and

in fact, the new regime, do you think that the new regime created by the *Paix des Braves Agreement* contains some elements that we could study, that we could include in the new regime or that we could change? Are there things in your daily lives, are there things that allowed you to fulfill your goals? Are there others that should be developed? In fact, it was in that sense, because we are fully aware here that the territory, and we say so, that the Aboriginals are fully involved in the decisions that must be made regarding territory development. So, it was about finally hearing what goes on for you, on your very territory, how is it happening, how are things unfolding and how could things be made better if applicable.

**Mr. Saganash (Romeo):** Concerning the level of satisfaction regarding the *Paix des Braves Agreement*, this is what we negotiated, this is what we signed for. We can't backtrack on that. However, what is suggested, what you're trying to do now, is to change that again while as far as legal principles are concerned, the consent of the Crees is required, because they are signatory parties and stakeholders to the *Paix des Braves Agreement*. What is always difficult regarding new policies or new bills or new regimes that the Governments of Québec or Canada want to put forth is that often, very often, in almost every case the fact that there is a distinct constitutional regime applying to the James Bay and Northern Québec territory is overlooked. And if this is to be changed, the consent of all signatory parties to these Agreements is required. As an example, just to give an example, Section 23.3.24 or 22, I think, discusses the James Bay Advisory Committee on the Environment, which is the main and privileged contact for Governments in the territory with regards to natural resources and development in the territory. It's an assumption contained in a constitutional document entitled the *James Bay Agreement*, and to change all that the consent of the Crees is required. That's the main point I want to make today.

**Ms. Gonthier, President:** Madam Minister.

**Ms. Boulet:** I will have to interrupt because I don't think we're heading the right way. We are in full agreement with the fact that if we want to change things that are written down in an Act, the consent of the partners is required, but here I'm being told that no change is intended. So, I don't know what you're worrying about or what you think we want to change, but I am told that there is no change foreseen for what is being done on your territory with regards to the new forest regime. The Green Book applies but if there are things... you were telling us to inform the people who have been there a long

time and who took part in the writing of the Green Book, there, but we are being told that on your territory, there are no changes regarding the new regime.

**Mr. Clément:** Ok, we will... If you allow me...

**Ms. Gonthier, President:** Mr. Clément.

**Mr. Clément (Jean-Sébastien):** Mr. Saganash indicated he wanted me to speak, so, Jean-Sébastien Clément, I'm a Barrister. What you're alleging is that the Ministry of Natural Resources and Wildlife has nothing to do with the CRÉs. That, in my opinion, is not the case at all. The Ministry of Natural Resources and Wildlife has taken at least eight specific steps, one after the other. First, there was the Coulombe Commission, which recommended the use of the CRÉ system across Québec, including of course in the James Bay territory. Then, there were three orders-in-council adopted by the Government regarding the new program for Regional Commissions on Natural Resources and Territory Development and the new plans. And that was done not only for forests, but then, for all natural resources and the territory. Each time the MNRW took those steps, the Crees documented them and told the Minister: listen, there's a problem here, you can't use the CRÉs in our territory because, according to the interpretation of the MMAR, the Ministry of Municipal Affairs and Regions, the CRÉs – that's what they say, I don't agree with that at all but that's what they say – they say: the CRÉ-JB has jurisdiction on the territory and the CRÉ-CRA, the CRÉ-CRA whose representatives are here, has jurisdiction only within their community. So, that's why Mr. Saganash tells you: just a moment here, we're going backwards. So, you have deliberately decided to import municipal structures into natural resources management even though the Crees asked you not to.

So since that time, there has been three working documents. There were all kinds of things. Mr. Saganash mentioned it early in his speech, there were a lot of very positive things in the various documents, regarding forestry. No doubt about that. We heard a little bit about it, we missed part of the previous presentation, the impacts of the ecosystem, etc., that's positive.

At this moment, we don't know what kind of bill you'll be presenting. But what we're telling you, what we've been saying to the people of the National Assembly and to those who decide on these matters, is that if you keep on importing the MMAR system into the management



of natural resources for the territory, there will be a problem. That's what we're saying today. It's a big problem.

**Ms. Boulet:** The message is not being brought to the right person, I will be forwarding it. But tell me, those structures, apart from the fact that we're importing, I understand all this, but would they not lead to gains... Could they not be structures that will allow, will accompany you, support you? Sometimes it can be a supplementary tool leading to improvement. That's what... that's what will be happening in other regions. So, could the Crees not benefit from it too? I'm just asking here.

The Natural Resources and Territorial Boards, I think that, in all of Québec's regions, I think that there is profitable expertise under development. The CRÉ from the Estrie Region and their Natural Resources Commission has been heard and I think they were very much able to manage and develop that organization or that structure to, in the end, improve what is being done with regards to the development and integrated management of the natural resources of the territory. I think it was demonstrated, not only in Estrie but in several regions of Québec that the Natural Resources and Territorial Boards have their *raison d'être*.

So, independently of the territory or of structures' import, could this not be something that the Crees could benefit from? Could this not be a tool for you, one that could be of interest because there is a territory to manage anyway? There's a territory to manage. The resources must be integrated. That's even more relevant where you are, integration of resources, hunting, fishing. I think that it's in your region that it gets its true meaning. Would the Natural Resources and Territorial Boards, even though it's imported and you don't like that, could it not play a key role that the development of the Cree territory would benefit from?

**Mr. Saganash (Romeo):** The problem with the structure that is being suggested is that in fact, it lessens the level of participation of the Crees. My purpose is not to say: yes, it would be profitable for the Crees, or no, it would not. My goal is to say: in accordance with two key Agreements entered into with the Government of Québec, we the Crees have a part to take in natural resources management, regarding the protection of traditional Cree activities like fishing and hunting and social and economical development. That already exists. Let us base ourselves on this for this territory that concerns us, because there is a distinct regime in place, a constitutional, distinct system there. That's

the problem. I will let Mr. Clément explain why I'm saying that. We prepared a... We based ourselves on a diagram to say that.

**Mr. Clément (Jean-Sébastien):** You know, we obviously looked at the documents drafted by the Minister and, when we tell you that there is an importation of CRÉs, it's because we realize that the way we read them, at this point, is that, what is suggested is what is on the table in terms of governance. It's that the CRÉs – White people – for the James Bay, the Municipality of James Bay, where there is no Aboriginal representative – let's not fool ourselves here – act as filters between the Aboriginals and the State, while clearly, for all relationships between the Aboriginals and the State regarding territory development, there should be no such filter.

And who is responsible for the Regional Commissions on Natural Resources and Territory Development? The CRÉs. Who is responsible for planning? The CRÉs. And then, afterwards, we end up in some kind of semi-public corporation, a forest development corporation where there's a single Aboriginal, in minority, sitting with 11 to 13 other individuals. So: we're concerned. Importing these municipal structures in the framework of Natural Resources Development, I'm telling you, it's not about consulting another colleague or another Minister on Municipal Affairs. The MNRW decided to do that and inserted, between the Aboriginals and the State, structures that don't work for territory development and that are... What is being suggested is structures that don't work.

What we're saying is: listen, there's a problem here. You want to write an Act, and there is a problem. And it's a big problem. That's a big bone of contention. A major one.

**Ms. Gonthier, President:** Ms. Minister.

**Ms. Boulet:** Nothing further for me.

**Ms. Gonthier, President:** That will be all?

**Ms. Boulet:** Indeed.

**Ms. Gonthier, President:** Member of Parliament for Montmagny-L'Islet.

**Mr. Roy (Montmagny-L'Islet):** Thank you, Ms. President. The first thing I feel like saying is: oops! We forgot... or we forgot about you,

because we already talked about it, after several meetings with the Aboriginals, in many cases, we conducted revisions, we wrote Acts, we presented documents, and all of a sudden we said: oops! We forgot about them. And I find it sad that this is the way we began because... I had a talk with Mr. Picard one day and said: what if we started negotiating by saying: this is the territory. What are you giving us now? Instead of doing it the opposite. And he smiled at me and said: that would be an odd way to begin negotiation, but it would be different. Maybe we'd have different types of arguments.

So, today, when we look at the James Bay development, I know your territory very, very well as I've been there often in the company of Crees in... for hunting, fishing, hydro-electrical development, all the great dams, the great reserves, all the people I've met there, I'm asking you: does... Given the treaties we've signed to date, have we... do you feel that the Cree Nation has emerged, has grown, has improved, has gotten structured? Do you still think that you're remaining behind or are you really... I know part of the answer but I'd like to hear your response on this, to this effect: Do you really think that the Nation has greatly evolved because of the new treaties? Let's forget about this one, we'll get back to it.

**Mr. Saganash (Romeo):** We could say, now that we have 33 years experience with the first treaty there, the *James Bay and Northern Québec Agreement*, that the greatest challenge had been, up until 2002 when we signed the *Peace of the Braves Agreement*, because the *Peace of the Braves Agreement* is in fact the implementation of the first treaty, the *James Bay Agreement*, so the greatest challenge had been the implementation. You know, signing for benefits, rights, the granting of rights in a treaty or an agreement is quite nice. But often, the problem is to implement the provisions contained in those agreements. That's where the problem was with the *James Bay Convention* and the *Paix des Braves Agreement* as well. Negotiated agreements, well, the wording says it: it's negotiated. Neither side is totally satisfied. But implementing them, that's something else. That part is always a challenge.

So... But since we signed the *Paix des Braves Agreement*, I think we noticed an improvement in just about all areas, in terms of job creation, participation in natural resources development, etc., social-economic development of communities, even after six years. Those things are easy to notice. In that sense, it's fine. We accepted the *Paix des Braves* at 70%. We accepted it. Not everyone was satisfied with this agreement that we negotiated, but I think we are really showing

now, today, that it was a good thing for us to accept. However, we must ensure that those agreements we have are being respected.

**Ms. Gonthier, President:** Member of Parliament for Montmagny-L'Islet.

**Mr. Roy (Montmagny-L'Islet):** Thank you, Ms. President. Your community is, among several in Québec, a fine example of economic development. You are involved everywhere. There are now many individuals who represent your social environment: lawyers, doctors, banks, air companies. You have been able to get organized and structured. You carved a space for yourselves in Québec. Many people just don't know enough about you. Maybe that's what it is. Communication helps in all areas of life. Do you now think that with regards to forestry development in your territory, you should be the project managers and the sole project managers? Or, how do you want us to discuss territory development with you in relation with the forest revision, in contrast with what's been done in the past?

**Mr. Saganash (Romeo):** Well at first, I don't think that the Crees ever pretended or said they would want to manage the whole territory. No, we see the *James Bay Agreement* as a sharing treaty between the Crees and the Québécois and that was always our policy. Crees always took part in public debates that took place in Québec. Whether it was about energy development against Hydro-Québec, or about the existing forest regime, we always wanted to bring about a positive contribution to those issues that happened in Québec, in our own way, of course. We had a treaty that confirmed many things, in terms of rights in this territory, and we want it to be respected, that's all we want.

Yes, we want a part in Québec development, we always wanted to contribute to Québec development, but concerning the territory covered by the *James Bay Agreement* and the *Paix des Braves Agreement*, let's do just that while respecting what we negotiated together. That's all we're asking for.

**Ms. Gonthier, President:** Member of Parliament for Montmagny-L'Islet.

**Mr. Roy (Montmagny-L'Islet):** Thank you. With of course your support, your help, your concerns, those of your citizens, of your friends, of the people whom you represent, how can you help us work or lay a solid base for forest development in your... First, do you

believe in forest development? Will that respect your customs and culture? Will that respect your opportunities to hunt, fish, your natural resources? And on the other side: are you able to explain to us how we should face this situation? In other words, to bring us a plan to begin negotiation, for us to fully understand your concerns.

**Mr. Saganash (Romeo):** To begin with, this is my opinion, I'm not sure what my legal adviser would think of it but when we negotiated the *Paix des Braves Agreement*, one of the things I told my interlocutor, as I was the Cree representative at that time, and the deputy minister, on the other side, was my interlocutor, one of the things I told him was: if we had respected the *James Bay Agreement* blindly, forestry would not have been sustainable on the territory covered by the *James Bay Agreement*.

So, the answer to your question now as it was at the time: yes, we want forestry; yes, we see it as an important sector not only for Abitibi and Northern Québec but for all of Québec so we want to continue that kind of development, even though at the time we were not taking part in said development, but yes, we accepted, but let's negotiate things that will allow some other Cree activities in forestry, outfitting, traditional activities, etc. to survive there too, because the way it was done at the time was so savage – forgive me for choosing that word – that it was the other part that was guaranteed in a document, a treaty, which with time had become unsustainable. So, yes, we want forestry, but let's do it on the basis of what has been confirmed in the agreements, that's all that as to be done in our case.

As for other Aboriginal Nations, maybe they want something else. Us, this is what we accepted, that's it, with Québec. For the others, for the Innus or Attikameks, it might be something else.

**Mr. Roy:** So, this is what I was asking you at first. Have you set up, with people, with your organization, have you set up a basic plan that you're proposing to us, even though you're saying: everything is in the Agreement? We can respect the Agreement, but assuming that a forest review has to be done, do you have a solution to bring forth concerning the beginning of an agreement with you folks? Even though you say everything is in the Agreement, it must be changed... not change the Agreement, but change the approach to forestry because, it's nothing new but it has to be done in another way. It must be made in an ecosystem, which we did not do previously, so we weren't even respecting our own rights. I digress here, but I don't like to say "Whites" and "Aboriginals", but that's still the way it was, our rights as

Whites weren't respected any more than yours as Aboriginals. But today, could you not provide us with a basis for negotiation instead of letting us bring you something? I'm saying this for us. Whether the Government takes it or not, me, I'm saying: could we not be provided with a basic document telling us exactly where we must begin to collaborate with you, not negotiate, but begin to collaborate, to look at things saying: here's something that would work, here's something we can do. And from that point, we'll look and see if it corresponds to the new regime, but even more so, it's a regional matter. So, you're in a very valued position, not a privileged position but a very much valued one that we need in Québec, we need your help, your development. Could you enlighten us on this so that we can start working?

**Mr. Saganash (Romeo):** At the beginning we had a plan, when we started to negotiate, Chapter 3 of the *Paix des Braves Agreement* which concerns forestry. I don't know whether it can be used as a model for Québec overall. Because the James Bay environment is so different from the rest of Québec, maybe it somewhat resembles the Côte-Nord Region, but there are principles that we clearly identified, amongst others the respect of Native Rights and of our territory, whether it's our traditional Cree activities or other things, access to that resource for our own development according to our needs and at our rhythm. At the time, the Coulombe Commission had not been held, there was no new regime with a Chief Forrester, etc, we didn't have all those elements and weren't as knowledgeable as we are today.

So, what we thought out at the time cannot really be used, but certainly with the elements you have today, as politicians who have worked on drafting Acts, worked on Acts and By-Laws and policies and with the help of the findings of the Coulombe Commission there are plenty of other studies...

**Ms. Gonthier, President:** Please conclude.

**Mr. Saganash (Romeo):** I think there's a lot there.

**Mr. Roy (Montmagny-L'Islet):** I wasn't talking about other Nations, I was talking specifically about the Crees and of your territory here. Thank you.

**Ms. Gonthier, President:** So, Member of Parliament for René-Lévesque, please.

**Mr. Dufour:** Thank you, Ms President. So, Mr. Saganash, Mr. Clément, Mr. Voyageur, Mr. Quaille, thank for your contribution to this parliamentary commission. I'll tell you, I'm surprised, here, but I'll try to understand. It'll soon be five years since I've become a member of Parliament, I've seen a lot of parliamentary commissions where there were Aboriginals coming and filing in memorandums to let us know that they wanted us to approach them in a certain way and to take an active part in the overall development of the province of Québec in all sectors of activity. I remember, during the parliamentary commission on the future of energy in Québec, in the windmill sector, in all kinds of sectors they wanted to take an active part in development, and they wanted to be a part of it, and they wanted a solution for these elements overall.

Mr. Saganash, what you said at first was that you were voicing a warning regarding Northern Québec. There were words spoken by your legal advisor, but also by yourself, concerning the current regime, it was said that it is a distinct constitutional regime. You discussed the *James Bay Agreement*, the *Paix des Braves Agreement* of 2002. Your legal advisor stated that you deliberately decided, with regards to certain orders-in-council, the MMAR versus the Ministry for Natural Resources, you are saying that the White Men's CRÉ is some kind of filter between the Aboriginals and the State. Are you saying, and this is where lays what I want to understand, because you are saying that you can carry the negotiation or the outcome of the *Paix des Braves Agreement* at the Chapter III level to Québec overall, but you are telling us that the working document or the Bill which will be resulting from the consultations that we'll be having cannot be applied to your territory because of the *James Bay Convention* and of the *Paix des Braves Agreement*. Have I fully understood the message and the warning that you voiced for us?

**Mr. Saganash (Romeo):** Well, it's kind of the other way around, the regime, if other regions, the regime that is contained within the *Paix des Braves Agreement*, if other regions believe it's a valuable regime that could be imported into their regions, exported towards other regions, no problem. What I'm saying is that things being done for the province overall can't be transported into a territory that's covered by a treaty, because in that case the participation and the consent of the Native signatory party is required. That's the warning. We can't...

It's been 20 years since I've been coming to the National Assembly for parliamentary commissions and again, I hear: oops! We forgot that part, we forgot the Aboriginals, we forgot that there was an

Agreement. That's what we're saying, simply. The *James Bay Agreement* has been approved, implemented and declared valid by an Act issuing from the National Assembly, why don't you respect that Act? That's my point.

**Mr. Dufour:** So that's exactly what I said. I'm saying that the *Paix des Braves Agreement*, Chapter 3 can be transported to Québec overall, but the works we're undergoing right now cannot be applied on your territory at the level of the *James Bay Agreement* and of the *Paix des Braves Agreement*. Is that it?

**Mr. Saganash (Romeo):** It's a proposal for a general application that cannot automatically be applied, since it violates some of the provisions in the Agreement. So...

**Mr. Dufour:** If, let's say, for example, we change the forest regime and there are good things in it and things that work out for you, is there any way to find a solution with regards to the signed agreements in existence?

**Mr. Saganash (Romeo):** The problem is, the Cree leaders should have been approached right from the start and told: listen, this is what we want to do, here, with all this, what do you think? Is it possible to adjust things, to bring upon amendments to the *Paix des Braves Agreement*, if you're satisfied with that or with the *James Bay Agreement*? That's my point. My legal advisor asks me...

**Mr. Dufour:** ...

**Mr. Saganash (Romeo):** ... he wants to add a comment, he's asking me permission as his client, and I'd like to grant it to him.

**Mr. Clément:** I simply want to say this to the Commission: obviously, one of the reasons why we're here, is because there has been – I've stated that earlier – several concrete actions taken by the Government in the last two years and a half, it started with the Coulombe Commission, there were the three orders-in-council, there were two or three working documents.

So we're not coming here all of a sudden to raise the alarm. It's not like we woke up yesterday morning, saying: let's raise the alarm. For the past eight documents we've been saying: the issue has to be addressed. And the parties did not address the issue. So, we're telling you this today: we have read in the working document that the



Québec Government wants to adopt legislation during the fall. Well, it's somewhat scary considering we've been saying five, six, seven times: listen, there's a problem, it's got to be addressed, we must sit down together, and we get no response. OK, so this is the message we have today.

**Ms. Gonthier, President:** Member of Parliament for René-Lévesque.

**Mr. Dufour:** So, what you're saying is that you have not been consulted. Because it has happened in the past, here, at the National Assembly, that there would be a bill that would abort because we had indeed consulted (sic). So, what you are saying – and you say that there has been eight documents on this, three orders-in-council, that you have communicated; what you are saying to us – is that you've been turned down flat, you haven't been consulted. Is this what I understand?

**Mr. Saganash (Romeo):** Acknowledgement of receipt.

**Mr. Dufour:** No, no, but they will answer us.

**Mr. Saganash (Romeo):** We turned on the red light and for sure, we got some acknowledgements of receipt about the comments we made by correspondence, but overall, no answer until now.

**Ms. Gonthier, President:** Member of Parliament for René-Lévesque.

**Mr. Dufour:** But you're telling me you've had acknowledgements of receipt. But there was no meeting between the Minister for Natural Resources and your representatives with regards to some kind of approach?

**Ms. Gonthier, President:** Mr. Clément.

**Mr. Clément (Jean-Sébastien):** There were meetings but I don't think there was any discussion, well at least at my level, here, where things were looked at concretely. It's been a long time since the Crees have been complaining about this situation, and they also complained about legislation related to legislation on the CRÉs, and right now this is under serious review by the two parties in accordance with the *Paix des Braves Agreement*. All this is confidential so we can't talk about it today.

So, yes, there were communications. The problem... The problem we see is the "roller coaster theory", here, at some time the documents are looked at and we realize that time is running out. It's been two years and a half that we've been saying: listen, there's something here, there's something here. It has been discussed in general. We cannot say that there has not been a general discussion. But to go, for example, and really ask questions and find solutions to the problem, I can say that personally I haven't seen any... any concrete discussion to settle the issue. The issue has been explained, re-explained and re-explained, we saw indications that people understood, but that's not enough here. We must see what the next step will be.

**Ms. Gonthier, President:** Member of Parliament for René-Lévesque.

**Mr. Dufour:** So, what you are saying is... you just complained that there are gaps in the consultations, but, in relation with the working document we're doing, in relation with the fact that we will be hearing different groups that we will be meeting, is it too late to solve the issue or is there still a way to help out?

**Mr. Clément (Jean-Sébastien):** That's a good question.

**Ms. Gonthier, President:** Mr. Saganash.

**Mr. Saganash (Romeo):** Thank you Ms. President. What I can say at this time, with regards to all this, it that our role today was to come and discuss, in general, of what we foresee politically and judicially in relation with this situation. We know that on next October 14<sup>th</sup>, the Grand Chief will come back before you and make a more specific presentation on more specific points which you should study, so...

**Ms. Gonthier, President:** Thank you. So, thank you, gentlemen. We will be adjourning for a few minutes, and I will immediately be inviting the next group, the [TRANSLATION] Quebec Federation of Trapping Managers.

*(Session adjourned at 4:27 PM)*