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Chair

The Honourable MaryAnn Mihychuk

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● (0805)

[English]

The Chair (Hon. MaryAnn Mihychuk (Kildonan—St. Paul, Lib.)): I call the meeting to order. Pursuant to Standing Order 108(2) and a motion passed by this committee on a study of specific and comprehensive land claims agreements, this is our third city in a cross-country tour to talk to experts, community members, and political representatives on land claims, specific and comprehensive.

We normally recognize the historical lands and the peoples that were here because we're beginning a process, finally, of Canada looking at truth and reconciliation on a broader scale. We are on the homeland of the Wendat. I come from the Prairies, where the history is that many people moved through the area as they migrated with the buffalo. I'd just like to recognize that this is the homeland.

We're going to start. We have, in the first panel, Eleanor Bernard from the Mi'kmaw, from Nova Scotia. We also have Constant Awashish, who's the grand chief.

Welcome. We're very happy that you found a way to come, despite the big storms last night, and that you're here. Thank you.

Please go ahead. You have 10 minutes to present, and then after the presentations are done, we'll have an opportunity for questions from the MPs around the table. Thank you.

[Translation]

Grand Chief Constant Awashish (Grand Chief, Conseil de la nation Atikamekw): Thank you very much, Madam Chair.

Honourable members of this committee, good morning.

[The witness speaks Atikamekw]

My name is Constant Awashish. I am the Grand Chief of the Atikamekw Nation.

I only received this invitation last Friday. I would like to make a comment, without animosity. We tabled a brief, but we would have liked it to be longer. We did what we could despite the short notice. I will try to inform you as best I can to help you in your work.

The Atikamekw Nation has 7,700 members, and I am their Grand Chief. Our nation has been negotiating with governments since 1979, close to 40 years. The topic of today's study is comprehensive land claims negotiations. The members and politicians of the Atikamekw nation often wonder whether there is a real will to come

to an agreement with us, since there are always new developments that arise during the negotiations.

Our natural resources and territories are being exploited, and this is increasing. That has always been the case, and that has not slowed down at all since 1979. We deplore that fact.

After several meetings with our members, and several surveys, we concluded that comprehensive negotiations are still relevant and still important in the eyes of the communities of the Atikamekw Nation.

We believe that comprehensive negotiations will give us the tools we need to develop as a nation and as a first people of this country.

You are aware of the economic and social situation of most of the first nations of Canada. In your work you have probably been made aware of indigenous reality and the Atikamekw Nation is no exception. In our communities, unemployment rates are high, a lot of people must resort to social assistance, and there are almost no jobs. Despite the fact that our natural resources are exploited on our territory, there are very few spinoff benefits for our communities.

When a resource is developed there is a value added chain. Despite that, no jobs are created for us, and the profits and fees often go to the government. For centuries, the Atikamekw nation has received nothing. That is a situation we deplore as members of this country, Canada. I do not think that the situation is viable in the long term.

That is the viewpoint of the Atikamekw Nation on that, and this is a message I have been delivering for three years now.

● (0810)

In speaking about the Atikamekw Nation, I am also speaking about all of the first nations. I think that in order to have a prosperous country or province, indigenous nations must also prosper.

We are all interrelated economically. As I already mentioned, if a first nation develops economically, if it has a good rate of progress and employability, if there is a lot of work there and if it can develop its own natural resources in its own way, there will be economic benefits for the neighbouring regions and towns, which will lead to economic benefits for the province, which will also be felt in Canada. I think that is today's reality. We must invest in first nations to give them an opportunity to develop their economies. They have to have the opportunity of shaping their own destinies.

There has been much talk of reconciliation over the past few years. In my opinion, reconciliation implies recognizing mistakes. As we speak, that is almost done. Now there has to be an acknowledgement of mistakes regarding economic development. What are we going to offer first nations so that they may develop their economies? How are we going to allow them to participate or contribute to the economic development of the province or country? That is the message I have been trying to deliver from the outset.

As Grand Chief, I am often asked what we will do if we manage to conclude an agreement or a treaty and if we have our territory, our self-government, and some funding. I am asked how we will develop our territory. One thing is certain and that is that we cannot pick up and leave with our territory. That is why, on the topic of developing our territory, I always mention the interrelationship among all of the people of Canada. We want to develop our territory precisely in order to make a greater contribution to the evolution of this country. To get there we have to be given the means to do so. The Atikamekw Nation believes that the best way to get there is through a treaty.

For the Atikamekw Nation, the important thing is to arrive at something concrete. Soon we will have been negotiating for 40 years. The duration of those negotiations is perplexing to the nation. That is an issue that must be solved. In my opinion, to correct things, we have to bring politicians closer to the negotiating table. Often, we play a game of cat and mouse. We ask for certain things from our negotiators, they propose objectives and recommendations at the negotiating table. But when they arrive at the table, the door is closed and they are told that that is not part of the mandate. Where is the negotiation in that? In my opinion, the politicians need to pull up a chair and come closer to the negotiating table to make things move more quickly.

That is the intention of the Atikamekw Nation this year. Our objective is to settle this matter by the month of June 2018.

•(0815)

Within the Atikamekw Nation, there is increasing disillusionment with regard to the duration of negotiations and the will of governments. The month of June 2018 will be very important for us, as we will decide whether to continue the negotiations or simply to use pressure tactics to accelerate the process and pursue our objective, which is the sovereignty of our territory. As I said, this would be a last resort, and what we want is pure and simple participation from the government. We want the government to truly commit, one hundred percent, to the negotiations, so that we may be given the means to contribute to the development and growth of the country that is today known as Canada.

The Chair: Thank you very much.

[English]

Thank you.

We will now move to Eleanor.

Welcome. We look forward to your presentation. You can start when you're ready to go.

Ms. Eleanor Bernard (Executive Director, Mi'kmaw Kinamatnewey): [Witness speaks in Mi'kmaq]

Good morning, my name is Eleanor Bernard. I am the executive director for Mi'kmaw Kinamatnewey. I have been in this position for 15 years.

Mi'kmaw Kinamatnewey is a regional management organization, with a self-government agreement in education in Nova Scotia. Twelve of the 13 Mi'kmaq bands in Nova Scotia are part of MK. As a part of the MK bands, they exercise jurisdiction over education in their communities. The Mi'kmaq Education Act requires the negotiation of a funding agreement. To date, each one of these agreements have been for five years.

MK has experienced a wide variety of issues in negotiating the funding agreement. The issues that are experienced by the MK in negotiating the five-year funding agreements are the following. There's the failure to commence new negotiations on a timely basis; they've always been late. There's also a failure of the federal negotiators to obtain a mandate to negotiate. They come to the table and never have a mandate, or at least have never presented us with a mandate. Also, the turnover of negotiators during negotiations has been really high.

As a part of the agreement clearly states, negotiations are to begin within the time frame that should provide enough time to conclude the negotiations before the current agreement expires. In the last 15 years, there have been several extensions to the MK agreement because the federal negotiators do not have a mandate from the government. Currently, we're in negotiations for a new funding agreement. That expired on March 31, 2016. We're still in negotiations. If there is no funding agreement in place, the legislation dies as of April 1, 2018.

There have also been several negotiators. That caused another delay in the conclusion of negotiations. During one of the past negotiations, the federal government has switched negotiators five times in the course of negotiations. This has caused so many delays as we've always had to start from scratch with the new negotiator.

It is also particularly troublesome when the federal government agrees, and indicates in an agreement, that they will provide funding for the MK with their proportionate share of enhanced funding that the government provides to other first nations' communities, and doesn't abide by these sections of the funding agreement. Of the \$3.6996 billion promised in budget 2016, MK has been informed we are eligible for only three out of the 10 subactivities. That is a proportionate share of less than 30% of the total budget. It is our opinion that success is being punished. And when I say "success", across the country MK bands have an 87.6% graduation rate, and this has been consistent in the last number of years.

Then there is the situation where they forget to send funding in the quarterly instalments of the grant. There have been several occasions where the federal government has forgotten to send money to the MK. It's just a simple matter that the region forgot us. Our payments are late getting to us, and therefore the communities suffer, resulting in their having to cash-manage education until the government finally sends us our payments.

I have my website at the bottom of this document and all of this information is on our website. Our annual report, which we do regularly, always passed in on time, is on our website.

We also have capital as a part of our funding agreement. Each community would not have been able to rebuild or build a school in their community alone, so the chiefs in our area have taken on the task of pooling their capital dollars to build at least one school where it's needed in a five-year period.

● (0820)

One of our largest communities, Eskasoni, which is where I'm from, has 1,100 students, out of our 2,900 total nominal roll. That school was built in the 1970s, so in the next funding agreement we will need to rebuild Eskasoni, and we're not getting any extra capital dollars. The money we are able to pool for capital is approximately \$1.6 million per year over the five years, totalling—you guys can do the math—about \$7 million. That's not going to build or replace a school in Eskasoni.

We have success. Not only are our students graduating in high numbers; they're also graduating within their age-appropriate level. We have all these charts, all this data collected, and our data is improving yearly. Our communities are now familiar with data collection and the reasons we're collecting data and we're doing very well in that area.

We're also improving in our literacy and numeracy rates. Our rates are not as high as we would like them to be. We have a lot more work to do. I don't think the work ever ends in education, for me anyway. The bottom line for us is the best interests of our students.

It's really appropriate that I'm here this week to tell you all about this because it is going to be residential school survivors' day, Orange Shirt Day, and every child matters.

[*Witness speaks in Mi'kmaq*]

Thank you.

● (0825)

The Chair: Thank you.

We're moving into the question period.

We will start with MP Bossio.

Mr. Mike Bossio (Hastings—Lennox and Addington, Lib.): Thank you both for coming here today. I know it was on short notice. We appreciate your taking the time.

It is unfortunate that the notice was so short that you weren't able to provide the brief that you would have liked to, and that we could have benefited from.

We've said this previously. It's not too late. If you could please provide a brief, we can still make it part of the committee's testimony. It would assist us in the creation of our report. You probably have until mid- to the end of October.

I'd like to have a better understanding of the historical perspective, Grand Chief Awashish, to get a sense of some of the injustice that's happened through the negotiating process. It's a comprehensive land treaty that you're negotiating, I assume.

Grand Chief Constant Awashish: Yes. We're doing a land claim, [Translation]

of global negotiations.

[*English*]

We've been doing so for almost four years now. Pretty much as Ms. Bernard said, it's always been a problem for many reasons. One of them, as she mentioned, is the change of negotiators on both sides. The provincial or federal government is always changing the negotiator. They always have to learn the file, to start over every time. I don't know if it's on purpose. I don't want to say it's on purpose. I always hope for good faith, but sometimes it's very questionable.

Mr. Mike Bossio: Are you negotiating as we speak?

Grand Chief Constant Awashish: We are negotiating right now.

Mr. Mike Bossio: How long have these specific negotiators been engaged in the most recent file?

Grand Chief Constant Awashish: For this specific one, it's been over a year.

Mr. Mike Bossio: It's been a year, so you're just really starting again.

Grand Chief Constant Awashish: We're just starting again.

Mr. Mike Bossio: They've just come up to speed, I assume, in that year.

Grand Chief Constant Awashish: Yes. I know the negotiation has been going for 40 years, so there's a lot of work already done, but sometimes the approach is different from one negotiator to another. There's always the problem of mandate too. The negotiator doesn't always have the mandate to go further with what he can do.

As an example, we talk about full property on a settled land and we ask for that much, and we tell our negotiator to go ask for this for this and that reason. When he goes to the table for negotiations, on the other side, the answer is always, "But we don't have the mandate." What are we doing here? Are we negotiating or are we just signing a Virgin, Bell, or a Vidéotron contract in the end?

It's all the same from coast to coast. It's the same approach, even though we have different issues and different social development levels. I think it's very important. That's what I was trying to explain earlier. We need the politics to get closer, because we don't want it to continue for another 15, 20, or 40 years. I don't know how long it could take. The politics need to get closer to the negotiation table so that we can close this matter and not leave it to the next generation.

● (0830)

Mr. Mike Bossio: What is the size of the claim?

Grand Chief Constant Awashish: It's 88 square kilometres.

Mr. Mike Bossio: Whereabouts is it located?

Grand Chief Constant Awashish: It's in the centre of Quebec.

Mr. Mike Bossio: The nature of the development that's already occurred or that could potentially occur, is it all natural resources?

Grand Chief Constant Awashish: It's natural resources. Now there's more mining development.

Mr. Mike Bossio: Is there also farming?

Grand Chief Constant Awashish: There's farming in the south, but mostly it's forestry. Let's say our land has been cut at least once or twice since the creation of this industry.

Mr. Mike Bossio: I assume the negotiator has only been from INAC.

Grand Chief Constant Awashish: Yes.

Mr. Mike Bossio: There's never been one from Natural Resources or from Agriculture, or from—

Grand Chief Constant Awashish: No. They always say the negotiations are going to relate to this ministry or that ministry. It's always like that. "We're going to go see what they think and we'll come back to you at the table." It's always like that. It's a long process.

Mr. Mike Bossio: Would you not agree that not only do they need the mandate to negotiate in good faith and to have the power to negotiate but you actually need to have the different representative departments at the table speaking for those particular political entities that they're representing?

Grand Chief Constant Awashish: I think it would accelerate the process. I represent the young generation, and that's the way we think. We want this to be over now. We want to start working. We want the tools to develop ourselves and also to develop this country and participate in the country's development. But to do so, I think the country needs to invest in first nations like us to give us the opportunity and the tools to create a momentum so we can have better input in that development.

Mr. Mike Bossio: You have 7,500 people in your community. What percentage of those people are actually working in the development of your potential territory?

Grand Chief Constant Awashish: Let's say, just quickly, 30% are on EI and maybe another 30% are on welfare.

Mr. Mike Bossio: So a very small percentage of your people are actually benefiting from the development that's happening within your traditional territory.

Grand Chief Constant Awashish: Yes, and most of the workers work for the band office. That's the main employer, which is an extension of Indian Affairs.

Mr. Mike Bossio: Thank you.

The Chair: Questioning now moves to MP Cathy McLeod.

Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC): Thank you.

Thank you to both witnesses. It's certainly a pleasure to be here in Quebec City. It's a beautiful little city. I haven't been here for a couple of years.

This question will go to both our witnesses because it really speaks to a larger issue. As you're aware, the government has decided to split Indian Affairs, INAC, into two parts, one dealing with the relationship of the crown. I think we're going to reserve judgment. I think there is opportunity within her plan, but there are also challenges in terms of having just another bureaucracy.

If you were going to advise the minister on her new department and her mandate in terms of moving these issues forward, and again it relates to land claims, the education agreement, and self-government agreements, what advice would you give her? She's in the process of doing this work as we speak.

● (0835)

Ms. Eleanor Bernard: My first advice would be to do something, to make a decision, and do something, because it's been too long that we've been idle with no decision coming from the government.

I think Constant also mentioned that negotiators come with no mandate, and that's the most important thing we need to hear from them. What is your mandate? Who are you? Who do you represent? Those are very important questions that need to be answered up front.

Grand Chief Constant Awashish: For my part, since it was all fresh news when we heard about that a couple of weeks ago, we were wondering what's going to happen with this. I know it's a new direction, a new step.

My first advice would be to really work with first nations. First nations are the ones who benefit from those services. They are the ones who know, really, what exactly they need to help the community, the nation, to better itself. That's the first advice I would give to Minister Philpott.

Mrs. Cathy McLeod: Has the government reached out to you at all in terms of asking for any input into how the design of these new departments should be?

Grand Chief Constant Awashish: So far, all we got was a letter saying what their intention is. They also invited us to offer input, but we're still analyzing what our priority is with that and what our input will be with this new change. We're also trying to assess our worries with this new approach. As I said, right now we're analyzing. It's all fresh and new, so we're still looking at the outcome of that.

Mrs. Cathy McLeod: Was it through the announcement, though, that you first became aware that it was happening? Was there any pre-consultation process, or are you aware of any pre-consultation process?

Grand Chief Constant Awashish: Personally, I was not aware of any pre-consultation. Everyone was taken by surprise. With the people I work with, it was a surprise. We're still trying to figure out if it is a good thing or a bad thing. Maybe it's a good thing. One is going to deal with the relations with first nations, and the other one is going to deal with providing services with first nations, so maybe it will take less time to get the services we want.

However, as I said, we're still analyzing what the outcome of that will be.

Mrs. Cathy McLeod: Thank you.

Forty years is way too long for a negotiation process. What are the stumbling blocks? You talked about the negotiators. Are there some real touch points, or have you settled a number of different issues?

I appreciate and certainly sympathize with the ongoing turnover of negotiators, but in terms of the real stumbling blocks, are they identified? Is there a path to overcome them right now?

Grand Chief Constant Awashish: From my young experience—I was not even born when they started negotiating—what I think is that there are many factors, and one of the factors is good faith. For a long time good faith was not present at the table. It has started getting better for a couple of years maybe. For two or three years it's getting better and is taking place at the table but also there is something very particular with our negotiations at the Atikamekw first nations. We're negotiating

● (0840)

[Translation]

an agreement in principle.

[English]

I don't know how you say that in English. This agreement in principle is very detailed. There is a lot of detail. It's almost acting as a final agreement, so maybe that's the reason it takes longer for the Atikamekw Nation. For a while we were questioning this approach. In my mind in an agreement in principle you put the number, you put what's going to be in the final agreement, what's the size of the territory. It's the big picture. That's what is supposed to be in an

[Translation]

agreement in principle.

[English]

But for us our agreement in principle is getting very detailed and in the end it's going to act as a final agreement. Maybe that's one of the reasons.

Also, as I mentioned earlier, the negotiators are always changing. Sometimes it's federal and the good faith is not there. Sometimes it is provincial and the good faith is not there. We are stuck in between. At the provincial level natural resources is their competence, so sometimes natural resources are a big issue and it's hard to get an agreement on this. It's a mix of different factors that is making this a long time.

There is no major project on our territory. Maybe that's the reason. There are some places in Canada where they had major projects and what the government needed was to develop those projects and they put all their resources, everything to get an agreement very fast because there was something major going on in this land and they wanted it done really fast. Maybe for us that situation is not there.

The Chair: We're now going to hear from one of those people maybe involved in one of those major projects, MP Romeo Saganash.

[Translation]

Mr. Romeo Saganash (Abitibi—Baie-James—Nunavik—Eeyou, NDP): [The member speaks Cree]

I want to begin with you, Grand Chief Awashish. I am delighted to speak to you in French, because we have held several meetings strictly in English, and I also want to give the interpreters some work to do.

You said several things in your testimony that raised several questions for me. You spoke about an agreement in principle that was signed, and about the more intense development of resources on the territory. I want to know if you think there is a link between the two, particularly since this committee must study specific and comprehensive land claims policies, and we will have to make recommendations in that regard.

You spoke about the length of your negotiations. Do you think there is a link between existing policies, on the one hand, and the ongoing length of those negotiations, on the other? If so, what are the obstacles that currently exist at the federal level?

I agree with you. The backdrop is a very unfair situation, since while you negotiate, the development of your traditional territory is continuing and its resources continue to be exploited.

I'd like to know if you have any recommendations to make. Should we impose a moratorium in this type of situation? I would like to hear your opinion on that.

● (0845)

Grand Chief Constant Awashish: There are definitely some issues with the comprehensive claims policy.

You are talking about moratoriums, but moratoriums have already been imposed in Quebec, precisely to stop the development of our lands during the negotiation. That worked briefly, but, as I said, it does not last long. The development continues, as the economy must keep going, and that's very disappointing. I don't know whether the committee has the power to change things when it comes to the development of our lands and whether it has the mandate to make the necessary recommendations. I don't know if the government has the will to take that kind of action to stop development on our land. That can certainly hurt the economy. I think that the economy may currently be the strongest voice in the world.

As I mentioned, we feel that the comprehensive claims policy should be reconciled with the economy. That is what the Atikamekw believe. Negotiators at Canadian central tables are following a negotiation framework, and they cannot depart from it. That often causes problems from one region to another. Certain approaches may work for someone in British Columbia or in the Northwest Territories, but not elsewhere. The coast-to-coast approach does not work. I think that approaches should be more specific to a particular region, especially when it comes to economic development.

For your information, the Atikamekw Nation is currently participating in two tables, at the national level, with 40 other nations and the federal government. One of those tables is considering the financial relationship with first nations, and there seems to be a will to develop a new approach in that respect. The other table is trying to determine what fiscal approach should be used in comprehensive negotiations with first nations. We have a number of approaches, a number of questions. We have brought a lot of grist to the mill. We are trying to change the new approach. That is what's important today. I believe that economic development is important for the Atikamekw Nation and the new generation of Atikamekw. We are trying to find solutions that will benefit everyone—us, as well as Quebeckers and Canadians.

Earlier, I talked about the interconnectedness of all Canadians. First nations must have the means to develop, so that they can contribute to a better Canada. We need realistic approaches to accomplish that. We are working extensively with indicators to try to find an approach that would be specific to each nation, while taking into account remoteness, education levels and community infrastructure. So several factors need to be taken into consideration.

The Atikamekw Nation is ready. If the government wants to talk about the economy, economic development, catching up socio-economically and closing the gap, the Atikamekw Nation is ready. We have been leaders at those tables so far. We have put questions to both other first nations' representative and government representatives. When figures—indicators—are requested, other nations don't have them. We do, and we are ready to get things done in a positive way so that the project would be viable over the long term. The coast-to-coast approach is often problematic, since every region has its own specific characteristics.

Those indicators are not set; they have not been selected. We, the Atikamekw, are ready.

• (0850)

Mr. Romeo Saganash: How has the deadline you mentioned earlier—I believe June 2018—been viewed? How has it been viewed, and what have you planned to do after June 2018?

Grand Chief Constant Awashish: I'm not sure....

[English]

The Chair: We'll have to save that answer for another question.

Grand Chief Constant Awashish: Okay.

The Chair: We'll now go to MP Anandasangaree.

Mr. Gary Anandasangaree (Scarborough—Rouge Park, Lib.): Thank you, Madam Chair.

Thank you to the panellists for being here. Please feel free to respond in French, as well.

I would like to give you the opportunity to finish the answer to the question Romeo just asked you, if you don't mind.

Grand Chief Constant Awashish: Thank you. I'll try it in English. When I have the opportunity to speak English, I enjoy it. My partner speaks English only; she does not speak French at all. I have to honour her.

As I was saying earlier to Romeo, in June 2018, it will be 40 years for us. That's what my people are telling me. Forty years is too long. I don't think we're going anywhere. We have a \$35-million debt from negotiating. Our elders ask, "Why do we have to pay to negotiate when they're supposed to be the ones to come to us to negotiate about our land?"

We never sold. We never surrendered. We never exchanged our land. We are in a state of law, and by the rule of law here in Canada, this is still our land. How do we address this?

"They are supposed to come negotiate with us. Why do we have to pay for that?" That is what our elders say.

We have many stories. We record all our elders. They tell us what happened when the first settlers came from overseas, 500 years ago. They tell us all the stories about how we retreated slowly inland. We have all that. We have all our legends, all our stories. We can tell you the real story of Canada, if people want to listen.

June 2018 is the date when we want something very concrete to give to our people, for our youth. Let me tell you something about Atikamekw Nation. We are 7,800 right now, and 70% are under 35 years old. Of that 70%, 50% are 12 years old and under.

What are we going to do? Those are the ones I'm targeting. We have to help them. We have to give them the tools. We need to give them recognition.

I know what happened to us is very bad, but I think we have moved past that. We want to be recognized as citizens, first-class citizens. I want to give our people, our youth, pride in being who they are, pride in practising their culture, pride in speaking their language, and the chance to participate in the economic development of this country.

Mr. Gary Anandasangaree: I have a number of very pointed questions.

Grand Chief Constant Awashish: Okay, go ahead. Sometimes I go crazy so....

Mr. Gary Anandasangaree: No. I was very intrigued by one of your comments. I would like for you to give us maybe three points on this. You said at the beginning that you were looking for the tools to develop as a nation. What does that entail? What are those tools?

Grand Chief Constant Awashish: We've always been sitting on the back bench, sitting and watching this country develop as everybody gets rich. For many years, our people couldn't really profit from that. Just go back in history. My grandfather got the right to vote in 1969. Before that, he couldn't vote. That's the reason we want to take our place. That's the reason we're behind.

How are we going to catch up? How are we going to close the gap? We've heard a lot about this lately. At the Atikamekw Nation, we have the number. If the federal government needs the number that we need at Atikamekw Nation to catch up on socio-economic development, we can provide it.

• (0855)

Mr. Gary Anandasangaree: Ms. Bernard, thank you for sharing those very impressive numbers. Education is obviously a very important aspect.

Could you give us a bit more, or elaborate with respect to the type of agreement you have between the 12 communities? Is it a sectoral agreement? Who is part of it? Is the province part of it? In general terms, how does the funding work? Does it come directly from the federal government, or is it shared between the province and the feds? What control do you have over curriculum and particularly language?

Ms. Eleanor Bernard: We have a sectoral self-government agreement. It is with the federal government. I believe it was in 1998 when the Mi'kmaq Education Act became legislation that the provincial government also recognized our jurisdiction over education.

There is some funding coming from the provincial government but very little. We have a really good working relationship with the provincial government. We have an education services agreement with Nova Scotia, and they have a number of our students. In total maybe 700 of our students attend provincial schools. They have agreed to provide professional development services to our communities, and we also provide professional development services to them as well.

We are on their—

Mr. Gary Anandasangaree: Can we deal very specifically with language? I know we are kind of out of time, but....

Ms. Eleanor Bernard: Sure. With regard to language, in our communities, the communities decide, because they have jurisdiction over curriculum. Most of the communities use the Nova Scotia curriculum because they want their students to go on to post-secondary education, so we use the Nova Scotia curriculum although we enhance it. We have two schools that have immersion. One community, Eskasoni, has an immersion school that goes from K to five.

The Chair: Thank you.

The questioning now goes to MP Kevin Waugh.

Mr. Kevin Waugh (Saskatoon—Grasswood, CPC): Thank you, Madam Chair.

I'll continue with education, if you don't mind.

I'll give you some numbers from my province. I was a trustee for 10 years, and the numbers aren't good. Graduation rates for indigenous students in Regina public schools have climbed 11%. They were at 42%, so it was a mandate from the province that all 28 school boards would start working together here, so we are now at 53% in Regina. Provincially we are at 43% graduation rates for indigenous students, so when you came out last week with 87.6% and I saw that—ouch!—there is a big difference here.

We know there are issues. From grade 10 to grade 12 you get credit for the graduation rates. For me, it doesn't matter if a kid takes five years to get that, but the provincial governments are always down to three years. They count only the graduation rates from grades 10, 11, and 12, those three years, but we know there are students whose home life.... I don't care as long as they graduate. In our province, we really have had trouble saying that if it takes a student five years to go from grade 10 to grade 12, we're there with him. We want to push him across that finish line.

I'm just going to peel back those numbers, because data is the biggest thing in all of this. You have data collection, and I want to get it because we don't share data. We're all used to hiding it because we're embarrassed by our numbers.

Share some of that data on that 87.6% graduation rate.

• (0900)

Ms. Eleanor Bernard: Okay, what do you want to know about it?

Mr. Kevin Waugh: Let's start here. Is that for grade 10 to 12, three years?

Ms. Eleanor Bernard: Yes. We're looking at not only the graduation rate. We figure our graduation rates by the number of students who come in September and tell us that it is their graduation year, that they are going to be graduating. Of the students who indicate that this is their year, 87% are graduating.

I just want to point out one community, Eskasoni. I went to high school in the provincial system, and when I graduated from high school a few years ago, in 1981, I was one of five. When I started in grade 10, there were 160 of us attending that provincial high school. In three years, five of us graduated from high school.

Today, just last June in my community of Eskasoni, 60 students were graduating from high school in their community, and that number has been consistent over the last number of years in that community. I believe it's because the students are attending high school in the community. Their language is being recognized. They do have language courses. They also have the provincial curriculum that they have to follow, and they're doing really well. I believe it is because they have a sense of belonging. It's their school and there is pride in their language and culture.

Mr. Kevin Waugh: Okay.

I think I'm out of time.

The Chair: You are. We all are.

This has been a fascinating discussion. As we collect the information, we would encourage you, especially given the short notice, to please submit a brief. You can provide us more information and your thoughts on subjects—land claims, negotiators, time frames, costs—by October 15, mid-October, and it will still be part of the report.

Cathy.

Mrs. Cathy McLeod: Madam Chair, just before we rise, there was one area that I didn't get a chance to question on and that I think would be very worthwhile.

You indicated that you qualified for only three out of 10 indicators for the enhanced funding. If we could understand, through your submitted brief, what the other seven were, that would be helpful.

The Chair: Basically, we're suggesting that you keep adding information, because the information that you provide to us is what the analysts will use to prepare their report. It can be verbal and written, so please feel free to submit.

Mike.

Mr. Mike Bossio: There was one other point I wanted to raise, Chair, and that I hoped they could provide some feedback on.

Under specific land claims, we have have a specific land claims tribunal. Under comprehensive land claims, is there a mechanism that gives you that tribunal case, or are you dead in the water? If you could comment on that in your submission, that would be greatly appreciated.

The Chair: This is going completely out of control.

Gary.

Mr. Gary Anandasangaree: Madam Chair, on a point of order, my understanding was that we had a bit more time with this panel. Is that not...? Given that the next panel won't start for a while, I do wonder if we could have another round of questions.

The Chair: It is up to the committee.

Mr. Gary Anandasangaree: Maybe we could do a five-minute round.

The Chair: Because we had people not show up, the MP from the jurisdiction and I had a conversation saying that we would have it at 60 minutes, but if it's the will of the committee, we can extend it. That would be fine.

Mr. Mike Bossio: Definitely—as long as the witnesses are okay with that.

The Chair: Obviously, these guys will keep on asking you questions.

Grand Chief Constant Awashish: I have no problem with that. I could sit here all day, if you want.

Ms. Eleanor Bernard: I have to leave at about 11 o'clock.

The Chair: All right.

Kevin, why don't you continue. You had a couple more minutes in your round.

Mr. Kevin Waugh: Yes.

Let's start with what we were just talking about: your three out of 10 subactivities.

Ms. Eleanor Bernard: You're talking about the enhanced funding programs.

Mr. Kevin Waugh: Yes.

Ms. Eleanor Bernard: We did not get anything in immediate needs. We did not get any funding in transformational dollars, which we figured we wouldn't be getting anyway because we were already up and running. Another was post-secondary education, although just recently we did receive some post-secondary education dollars. There was nothing new in capital. Forgive me, but I can't remember the other two.

Those are some of the areas that we did not receive—

• (0905)

Mr. Kevin Waugh: That's what Cathy asked about.

Ms. Eleanor Bernard: Yes.

Mr. Kevin Waugh: You can submit that later, if you don't mind.

Ms. Eleanor Bernard: I will, yes. I've been taking notes.

I want to point out as well that not only are our graduation rates high, but the age-grade appropriateness is also very good compared with other areas. Our students are graduating within three to four years of entering high school. That's a big thing.

Mr. Kevin Waugh: Very good.

Thank you, Madam Chair.

The Chair: The next round goes to MP Anandasangaree, and I understand he's splitting it with MP Bossio.

Mr. Mike Bossio: Great. Thank you.

I want to follow up on these points. You're \$35 million in debt, so really they put you in a position where you can't negotiate, because you keep going further and further into debt. At some point have you had to go into default management as a result of it?

Grand Chief Constant Awashish: No, we never did that.

Mr. Mike Bossio: So they keep lending you the money.

Grand Chief Constant Awashish: They keep lending the money and we don't get to an agreement. As well, I think the party who, in the end, leaves the table in bad faith is the one who will have to pay for that. Maybe that's the reason why.

Mr. Mike Bossio: In the specific land claims process, there's a tribunal where you can go to an independent body in order to find restitution or find some level after a number of years. Under the comprehensive land claims arrangement, there is no recourse. You are hostage to the process, and you have to continue even though there are dead zones where there's no negotiation going on. You have to continue to pay your experts because, if you hire new experts, then you're starting back at ground zero.

Grand Chief Constant Awashish: In 1979, our people, our leaders, believed that the best way possible was negotiating. They believed in the good faith of the government. They believed in the system, the rule of law, and negotiation was the way they chose. We could have chosen to go to a tribunal at that time, but that was not what they believed in. The tribunal is very expensive, first of all, but with the debt we are in for the land claim, maybe we should have chosen that fight. It would have cost about the same and we would probably be set today already.

Mr. Mike Bossio: In your 40 years, how many years have you spent negotiating? Of the 40 years, for how many years have you been negotiating?

Grand Chief Constant Awashish: It's been 35. It stopped in 2009 until 2013. The Quebec government kept negotiating, but the federal government stopped negotiating from 2009 to 2013. I was just an observer at that time. There was another part when I was younger, and the same thing happened.

Mr. Gary Anandasangaree: Grand Chief, I know you mentioned earlier about a final agreement. Are you basically talking about the final release of all the claims? Is that the legal point that you're trying to finalize in this agreement? Once the agreement's finalized, are you basically extinguishing all of the future rights? Is that the approach you're taking on this?

Grand Chief Constant Awashish: There's a different formula, and I think the best for us is to preserve our rights, aboriginal title, and our land. We want general recognition of our rights. To paint a picture of this, let's say the government recognizes all our rights and our titles on the land, but we're going to put in an agreement all the rights you can exert on the territory provided by the treaty. All the rest that we didn't mention in the treaty, let's say we put that in a high cloud, in a box on the side.

Eventually, maybe, they're going to be reborn. Eventually, depending on the evolution of society, the evolution of the economic situation, or maybe an evolution.... I don't know what's going to happen in the future. I don't want to be all apocalyptic here, but I don't know.

• (0910)

When you look around, geopolitically, at what is going on around the world, sometimes it's kind of worrying for Canada, for me anyway. All empires fall. That's the story of mankind. We want to still be there. We are going to still be there. We are going to still practise our culture and our language.

We talked about language earlier, and I forgot to mention in the opening comments that the Atikamekw language is the most preserved first nation language in North America; 98% of our people speak our language, which is very fascinating. It should be looked at as a plus value for this country. People should share our pride in this fact. It's a gift to humanity. That's how people have to look at it. It's part of the old language that was spoken on the earth, and we are still speaking this language. Today, I want Canadians to share that pride, help us preserve our language, and develop this country together for a better future for our next generation.

When I say "a better future for our next generation", I'm not talking only about my youth. I'm talking about your youth too. What are we going to give them? Are we going to give them the problem in the future, and we never assessed this problem? I think, for the best of us, when you look around the world, we have to come together, work together, and preserve what's good in Canada, preserve our land, and also ourselves.

I believe and I'm sure—and I will be there if I am still alive—if something happens, we will still be defending our land in the future, and we will be defending everybody who is on the land. If that's your kids, your grandkids, your great-great-grandkids, we will be there to defend them. That's how we think, as first nations. That's how we think, as the Atikamekw Nation. That's how you have to think, too. Invest in our youth, invest in our economic development, invest in our culture and language preservation, and invest in our pride. That's what Canada has to do, to invest in our pride. We will stand up and we will be strong beside you, and together we'll create a great country.

The Chair: MP McLeod, go ahead.

Mrs. Cathy McLeod: Thank you.

Ninety-eight per cent is incredibly impressive, and if it were in the area of our study, I would want to know how you do it. But I do have some questions, and maybe we can talk off-line about how your community has had such success, because for the language, 98% is amazing.

What I want to get into is your earlier remarks about the resource-sharing economic opportunities. Of course, everyone comes from different areas of our country, where different things are happening. I also appreciate the comments about how we need to be more regionally sensitive in terms of what we are doing and where we are going. I look at British Columbia, for example. Some people are negotiating comprehensive treaties, and others have chosen not to at this time, but regardless, they are all negotiating when activity is happening on their land. For example, the provincial government now shares 37% royalties from a mine. This is on top of any equity investments or economic benefits of the company. This is royalty sharing.

In the province of Quebec, are there any of those sorts of relationships so that, as you are interim in your negotiations, your communities benefit from the resources?

Grand Chief Constant Awashish: Yes, of course. We are starting this approach too. As I said, our people really believe in the negotiations. We are doing it this way, negotiating. There is also self-propelling to sovereignty. We are working, talking to companies, exercising our rights on our lands, and slowly, we are getting our youth and our people ready to be more active, to be more proud, to be successful at school, and to have a better grip on our rights and also on our lands, and all the development that's going on in our lands.

Yes, there are some companies that we are sitting with and trying to get to an agreement—in French, they call it *l'ERA*—a beneficial agreement with those companies, and that's another approach. But in the state of law we are in, when I said earlier that we never surrendered, we never sold, and we never exchanged our lands, this is true.

• (0915)

Mrs. Cathy McLeod: With the province, are there any royalty-sharing relationships?

Grand Chief Constant Awashish: We tried to develop this approach, but it's always been thrown.... They say, you are going to take care of it at the land claims table, the comprehensive claim.

It's always when we have a problem, they throw it to that table. You are going to take care of it at that table. It's always like that. It's always the easy exit for everybody, so they throw everything at the land claims negotiation table.

Mrs. Cathy McLeod: In that case, British Columbia is very different from Quebec in terms of the resource development that happens.

Grand Chief Constant Awashish: But there's an opening. Can I just say a bad thing about them? There's an opening, but as I said, they put everything on the land claims negotiation table.

We say something else. We say that it's been 40 years. We don't want to wait another 20, 30, or 40 years. Let's address these issues right now. Let's sit down. Let's get to a bilateral agreement together on forestry, on mining, or any resources in the territory. This is the approach with the Government of Quebec, but it's the approach also, as you mentioned, with companies directly.

As I said, everything's always thrown to the negotiation table.

Mrs. Cathy McLeod: In the area of your land claim, are there other towns and communities located there, or none?

Grand Chief Constant Awashish: Do you mean non-native towns?

Mrs. Cathy McLeod: Yes.

Grand Chief Constant Awashish: Yes. There are many towns there.

Mrs. Cathy McLeod: I know a number of communities that are negotiating that have said that it's very important to keep those relationships with the people they've lived side by side with for many years. Is that something that happens regularly in terms of your relationship with the communities? Is the federal government talking to the communities, telling them what's happening, what's going on?

The Chair: A short answer, please....

Grand Chief Constant Awashish: We work closely with the municipalities around us. I know there were some issues created in 2003 with the fusion of municipalities in Quebec, which created a lot of tension among the first nations and the municipalities. Still today there's an effect from this, but, yes, we as first nations always act in good faith and we want our youth to get a better life ahead. We always talk to other people, groups, other communities, municipalities, towns, townships, with hope in hand.

The Chair: Questioning for the final round is going to MP Saganash.

Mr. Romeo Saganash: Thank you, Madam Chair.

[Translation]

I will continue in the same vein as my colleague Cathy McLeod.

At hearings held earlier this week in Vancouver and in Winnipeg, we heard that concluding an agreement with an aboriginal nation was beneficial for that nation's economy, but also for the province and the country. I think it is important to recognize that. You also highlighted this.

In the study we are conducting on the federal comprehensive claims policy, a number of witnesses have pointed out the need to build an adequate foundation in our relationship with aboriginals. A number of people also talked about the role the United Nations Declaration on the Rights of Indigenous Peoples could play.

I quickly read your fairly recent declaration of sovereignty. I don't see anything in it that would be incompatible with the United Nations Declaration on the Rights of Indigenous Peoples.

Have you also thought about that?

• (0920)

Grand Chief Constant Awashish: If you are talking about potentially using the United Nations Declaration on the Rights of Indigenous Peoples, that option is definitely constantly discussed.

We are trusting the current process implemented by the federal and provincial governments. That said, the fuse is becoming very short. June 2018 will be a turning point for the Atikamekw Nation.

Will we choose another approach at that point?

Our next approach will depend on what governments will show this year.

Mr. Romeo Saganash: The fact that you trust a process that has not given you anything in 40 years shows extreme patience.

Grand Chief Constant Awashish: That is part of first nations' DNA. We are very patient, but as I said, not much time is left before the new generation starts pushing for a new approach to be adopted.

For a very long time, I advocated a different approach. In general assembly, members of our nation still believe in that option. June 2018 is when we will know where we are going. Of course, the United Nations Declaration on the Rights of Indigenous Peoples is extraterritorial. We are familiar with the United Nations. It is an organization to which you subscribe or don't. Will countries want to interfere in what is happening in another country?

We see what is happening internationally, especially in North Korea. A number of countries are engaged in conflicts and don't really get along. The United Nations is an organization that relies on persuasion. Humanity has become aware of the importance of indigenous culture and of recognizing indigenous rights, as well as the fact that it constitutes humanity's heritage. That is the spirit of the United Nations Declaration on the Rights of Indigenous Peoples.

I am becoming a bit more sceptical, but I still believe that we will get somewhere soon. As I said, the next few months will be very important for the future.

Mr. Romeo Saganash: One of the practices that was criticized almost unanimously in our meetings is that of giving loans for negotiations of comprehensive claims. Earlier, you said in English:

[English]

Why do we have to pay to negotiate?

[Translation]

That is a fundamental issue for me. That practice is often called into question, but people forget the other part of that equation, which consists in continuing to pay negotiators without a mandate and replacing them constantly with other negotiators, also without a mandate. Our committee must condemn that practice. While you have been negotiating, for 40 years, the wealth of your land continues to be taken away from you. I think that is an absolutely unacceptable situation.

You talked about the rule of law, which is so important in this matter. That is why I looked at your declaration again. When I asked you about this earlier, you said that you refused to use the moratorium option. However, we are talking about your land and your resources here.

We must give a great deal of thought to the jurisprudence of the Supreme Court on the issue, especially the Haida Nation case, which calls for reconciling our pre-existing sovereignty with assumed Crown sovereignty. If we really want to talk about reconciliation, we must build on that principle, right?

● (0925)

Grand Chief Constant Awashish: I completely agree with that.

Reconciliation must occur at all levels. It also includes recognizing what has been done to first nations throughout history, including assimilation and cultural extermination attempts. Just like you, I wonder why we should pay for the negotiation. That practice has been around for very long time.

I completely agree with regard to moratoriums. After a while, the moratorium ends. That has happened a number of times with respect to different issues. Governments' express will would really be needed in this case.

We have to understand that governments have an interest in resolving the issue with first nations. That will benefit first nations, but it will also benefit everyone else. This problem cannot be allowed to persist forever.

I think my time is up.

The Chair: Thank you very much.

[*English*]

We had extra room in this session, so we were being very liberal. Sorry about that, it's a little political joke.

I want to thank you for coming out. As I said before when encouraging you to submit a brief, please feel free to do so.

Congratulations on your great success story in the Atlantic region. Your people really are benefiting from the great work you're doing, although we hear your frustration on delivery.

We're going to take a short break and reconvene in about 15 minutes.

● (0925)

_____ (Pause) _____

● (0950)

The Chair: Welcome. We'll officially convene the meeting. The second panel is here. We're very pleased that you're here representing the Essipit Innu First Nation.

We're talking about land claims, comprehensive and specific. This committee has the ability to take evidence that you present, prepare a report from the analysts, and make recommendations, which we will then present to the Government of Canada. We look forward to hearing your challenges, your advice, and take that into consideration, and I will remind you that you're able to present briefs, supplementary materials, up to the final date of October 20.

We're going to start. You have 15 minutes to present, and then we go into a period of questions. Why don't you get started?

[*Translation*]

Chief Martin Dufour (Chief, Band Council, Essipit Innu First Nation): My name is Martin Dufour, and I am the Chief of the

Essipit Innu First Nation. Joining me is Marc Chaloult, Coordinator, Treaty and Public Affairs, at Essipit.

Thank you very much for the invitation.

The Essipit Innu First Nation was invited to appear before the House of Commons Standing Committee on Indigenous and Northern Affairs to share our experience with specific claims and comprehensive land claims. I accepted the invitation on behalf the Essipit Innu, but only to address the question of specific claims.

We also submitted a brief relating the experience of the Essipit Innu with the specific claims process, including comments and recommendations. Today, we will summarize the points raised in that brief, after which we will be happy to answer your questions.

As of today, the nation has two active claims filed with the federal government: the insufficient allocation of land when the reserve was established in 1892 and the unlawful surrender of the Chemin du Quai in 1904.

Let us begin with the claim pertaining to the establishment of the reserve.

The small size of the reserve and the fact that we are enclosed in the municipality of Les Escoumins have always been major issues for my community. In the 1980s, we launched an expansion project, and it was then that we learned that the situation should have been very different.

Mr. Marc Chaloult (Coordinator, Treaty and Public Affairs, Essipit Innu First Nation): Based on the documents we obtained, we can see that our community had been deprived of more than half of our rightful reserve lands for more than 100 years, during which time we could have had better access to the St. Lawrence River. The historical situation is clear and well documented.

In 1881, Canada agreed in writing to acquire approximately 230 acres of land for the establishment of a reserve for our community, but only 97 acres were ever acquired. Moreover, our research revealed that the 97 acres of land acquired by Canada in 1892 were never given legal reserve status. This latest discovery gave Canada the leeway it needed to resolve a controversial situation in the 1890s involving a road crossing our reserve to get to a wharf under federal jurisdiction.

In 1903, the Mayor of Les Escoumins took steps to build a road that crossed the reserve to get to a new federal wharf. Everyone believed that the land had Indian reserve status when proceedings for the surrender of land pursuant to the Indian Act were initiated. However, we believe that the surrender was not carried out in compliance with applicable legal and fiduciary obligations.

While we were in the process of expanding our reserve, Canada demanded in writing that we resolve the issue of the Chemin du Quai before it would confirm official reserve status and, ultimately, authorize the expansion project. Therefore, we had to concede the Chemin du Quai, located at the centre of our reserve, and cleave our community in two. We were finally granted reserve status, but excluding the Chemin du Quai. It is easy to see why this pressure and unlawful surrender constitute our second claim, for which we have not yet received compensation.

Let us return to our first specific claim, filed in 1994 with the Canadian government, regarding the insufficient allocation of land. Ten years later, in 2004, Canada denied our specific claim. Its position, reiterated in 2012, was to deny everything. The stage was set for a lengthy legal dispute, first before the Indian Specific Claims Commission, and ultimately the Specific Claims Tribunal.

On January 30, 2017, the Specific Claims Tribunal rendered a decision finding that Canada had failed to fulfill its fiduciary obligation and that its actions did not respect the honour of the Crown. The tribunal recognized that Canada acted wrongfully when it acquired 97 acres of land after having agreed to acquire 230 acres for the establishment of the Essipit reserve.

Twenty-four years of disputes and legal proceedings were required to obtain recognition of wrongdoing that seemed to us most obvious. Ten years passed between the time the claim was filed and Canada's initial response in 2004.

In addition to considerable delays in the review of claims filed with the Specific Claims Branch, we can only conclude that proceedings before the Specific Claims Tribunal are equally long and difficult. Instead of attempting to simplify and streamline the process, Canada added to the burden by systematically denying any potentially prejudicial material, thereby requiring the submission of thousands of documents.

Fortunately, Canada has not submitted an application for the judicial review of the decision rendered in our case, as it has in several other cases in which it was deemed liable by the tribunal.

The battle is not yet won, however, as we must now discuss the matter of compensation with Canada, a process that is currently underway.

● (0955)

Chief Martin Dufour: As we mentioned earlier, we were amazed to read the response to our claim provided by the Specific Claims Branch in 2004, and even more so the second time in 2012. The arguments raised by the Crown were meaningless and offensive.

We were equally dismayed to hear the federal government's claims at the hearing. In addition to displaying a total lack of open-mindedness, the federal government once again denied any possible misconduct with regard to the Essipit Innu. Although we had already heard a few of Canada's arguments, they were still difficult to hear.

For no other reason than to deny liability, Canada invoked any and all arguments capable of winning the case, to the detriment of its fiduciary relationship with first nations and its obligation to act honourably. For instance, Canada argued that the Essipit Innu should have asked for more land if they wanted it and that they could have

benefited from the Betsiamites reserve established in 1861, about 105 kilometres away from our current reserve.

Mr. Marc Chaloult: Canada even went so far as to contradict the Supreme Court's teachings by negating its fiduciary obligations and the obligation to act with honour. The tribunal, however, set the matter straight by stating that just because the Crown had dealt with a third party rather than setting aside public lands owned by the Crown or acquiring them from the provincial Crown, its fiduciary duty to our community did not diminish. The tribunal has also recognized the duty of the Crown to act with honour towards the Essipiunnuat.

● (1000)

Chief Martin Dufour: In short, on this point, although the tribunal ruled in our favour, we are still bitter about the way the federal government has acted. As a result, we feel that reconciliation is compromised because of Canada's disconcerting positions.

Mr. Marc Chaloult: In terms of the compensation to be determined as a result of the tribunal's decision, we wish to address another argument raised by Canada, which is particularly disappointing. For the federal government, the fact that we added land to our reserve in 1998 makes up for the default and stops the accumulation of damages. According to Canada, the area of 0.4 square kilometres that we added in 1998 can make up for the 133 acres that have been missing since the creation process. It makes no sense to believe that all the damages and losses are erased by this addition.

Chief Martin Dufour: It is clear to us that, if we had had these lands as early as 1892, our development, our projects and our evolution would have been different. Acquiring these lands today does not change the past, and we are shocked that Canada is using this pretext to reduce the amount of compensation. The federal government is simply acting as an insurer: it wants to do everything it can to pay as little as possible.

Mr. Marc Chaloult: We also want to address the issue of funding today.

Although funding was provided under the specific claims policy, we were faced with a significant decrease in funding when we needed funding the most in preparation for the trial. In June 2016, three months before the hearing, we received one-third of the amount that we deemed necessary. Between the two hearings on responsibility, we had to make an additional request for funds, having quickly exhausted all the money allocated. Again this year, while Canada's responsibility is recognized and we are starting the second part of the litigation requiring a number of expert opinions, the federal government cut almost \$60,000 from our request of \$208,000. In addition to these challenges specific to the Essipiunnuat, to which we can testify, we have some general remarks and recommendations to make today.

First, we believe that the government's rigid process of processing specific claims can no longer co-exist with the reconciliation principles currently advocated by the federal government. These findings were actually the subject of a statement by Minister Bennett and Minister Wilson-Raybould at the beginning of September.

We deplore the fact that this monetary compensation should not be simply calculated through a standard mathematical formula as Canada claims. Any loss of profit, loss of opportunity, collateral damage, profits obtained from third parties or the Crown as a result of the default should be taken into account in the calculation of financial compensation. Damages as a result of the failure to establish the boundaries of our lands, as well as the absence of clear titles and official status, should also be part of the compensation, especially for all the frustration and aggravation experienced by the community because of these territorial ambiguities. Sticking strictly to legal principles does not do justice to the spiritual and cultural importance we attach to our lands.

Chief Martin Dufour: Once an agreement has been reached with one of the First Nations or a tribunal has ruled on Canada's responsibility, what does Canada do to apologize for the harm it has caused or for paying a drastically reduced amount of the money it negotiated?

It does nothing.

Mr. Marc Chaloult: The reparation is not comprehensive, and there's the rub. The narrow scope of the specific claims policy and the Specific Claims Tribunal Act does not provide for any form of compensation other than money. There is no provision for a rehabilitating remedy, no apologies, no regrets or even doubts, let alone a guarantee that such mistakes will not happen again. There is nothing to heal the wounds and to rectify the injustice.

The honourable thing to do would be to include in the regulations and orders of the tribunal measures to recognize and right past wrongs. For example, making a public apology, formally acknowledging the obligations to indigenous peoples, publicizing and publicly explaining settlement agreements are measures that Canada could adopt to further make amends.

It should also be noted that the tribunal cannot order exemplary or punitive damages, or damages for cultural or spiritual losses. The tribunal has no power to sanction or punish the Crown's mismanagement, which it has recognized in our case. How is the guilty party punished? In no way whatsoever. The tribunal simply orders it to give back what it has taken, without any deterrent.

The lack of specific remedies for the collateral damage that may have been caused through Canada's fault in our dealings with third parties is another flaw in the current process. For example, the Crown's shortcomings have resulted in contentious relations between the municipality of Les Escoumins, its residents and our community, and we are still feeling the effects today.

Territorial disputes have created a climate of animosity between the members of the community and the people of Les Escoumins, as well as between the municipality and the council of the nation, leaving historical marks. Why not support the community with intercommunity projects toward joint infrastructure or bicultural

affirmation, or by creating a joint development fund? A number of avenues are possible.

•(1005)

Chief Martin Dufour: To sum up, we have never chosen to share such a relationship with the federal government. We have no choice but to rely on and trust the government.

Do we have a single guarantee that such a mistake will not happen again today? You can guess the answer.

The main change we want is a change in attitude. Instead of addressing specific claims in an adversarial context where Canada first seeks to limit its responsibility, we want to see an approach consistent with the unique and ongoing relationship between our nations. The approach being used right now is incompatible with the desired reconciliation.

Let me conclude with an example. You give your house keys to a neighbour who then steals a number of things in your absence. A court simply asks the neighbour to return the stolen property, which he does. However, that court asks you to give the keys to the neighbour again, since he proved to be trustworthy by returning the stolen goods. Would you?

Tshinashkumitinau.

[*English*]

The Chair: Very good. We understand.

The first round of questioning is led by MP Amos.

[*Translation*]

Mr. William Amos (Pontiac, Lib.): I would first like to thank you for your very specific testimony, which has enabled us to know more about the history. That's very helpful.

Last summer, I was able to benefit from the services in your community. I visited your community with my young family. The wharf on the river, which serves as the infrastructure for your tourist information centre, provides a simply outstanding guided tour. I would like to tell my colleagues that a visit is well worthwhile. The scenery was amazing. I'm not sure about his last name, but Julien Darchal, I believe—

Chief Martin Dufour: It's Julien Marchal.

Mr. William Amos: He's truly a wonderful guide, who spoke highly of the professionalism of the tourism organization of the Innu Essipit. Congratulations. The experience is well worth it. You can see what can happen when there are investments and economic opportunities for indigenous people, but let's set that aside.

I'm really interested in your comments about the financial formula. In my riding of Pontiac, where the Algonquin nation has submitted its specific claims for a long time, I often hear the comments of Chief Jean-Guy Whiteduck regarding the much-touted 80/20 formula. You also listed other aspects that are of interest to you not only in calculating the compensation, but also in terms of non-monetary elements that should be incorporated.

This may make you uncomfortable, but could you elaborate on the issues that came up between the municipality, the people of Les Escoumins and your community? How has this lack of potential non-monetary compensation worsened the situation? How could this process improve relations if it were redesigned to bring reconciliation to the community?

• (1010)

Chief Martin Dufour: I must say that, right now, the relationship is improving, because we decided to talk to each other. We told ourselves that there may be financial means to help us set up joint projects. We did not wait for the government. Right away, we started to set up joint projects. We started with small projects between \$5,000 and \$6,000. We bought an ice resurfacers, for example. We started to build a climate of trust and to really tell people the truth.

We would also like the federal government to tell the truth and to explain some things to the Canadians and Quebeckers around us. It can explain the problem that arose when the reserve was created and that, instead of obtaining one square kilometre of territory, we received 0.4 square kilometres. Why were we surrounded by a fence with barbed wire and why was a barrier placed at the entrance? We were put in there like cattle. We were told to grow potatoes, when we were hunters and fishers, and we should have had access to the river to be able to fish salmon. Those issues all led to the salmon war in the 1980s, when we had to assert ourselves and say that we had a right to that resource. That's what we did. Things weren't rosy. I was very young at the time. Shots were fired.

We bought a first outfitter in the 1980s. Our neighbours said that the Innu would empty the lakes and kill the moose in the area. We were the first ones to hire fish and wildlife conservation technicians to count the number of fish that had to be taken from some lakes. We bought a second outfitter. Now we have five outfitters. This helps create jobs for our people and develop a sense of pride in the community.

At the time, it seemed that the people from the surrounding municipalities were a little jealous that we, the Innu, were successful. Instead of feeling sorry for ourselves, we decided to take our destiny into our own hands. We have not stopped since. You came to see the *mistamek*, the big fish or whales. We have a whale watching company, we have continued to develop commercial fisheries, and so on.

I can tell you that, if the federal government, or any government, provided funding for joint projects with the surrounding municipalities of certain First Nations, it would go a long way to reconciling the peoples.

Thank you.

[English]

The Chair: Questioning now moves to MP Kevin Waugh.

Mr. Kevin Waugh: Thank you.

I'll speak in English. Thank you for your presentation. A lot of resentment has built up over the years. I can hear it in both your voices here this morning.

When you started your negotiations you were promised more land. You only got 97 acres. You should have had 230. What

information did you receive, or did you, from Indigenous and Northern Affairs Canada when the decision was made concerning the negotiation of your specific claim?

• (1015)

[Translation]

Chief Martin Dufour: As an explanation, we were told that it was within the rules, that we should have asked for more and that our reserve should have never been created, since the Innu of the Haute-Côte-Nord should have gone to the Betsiamites reserve that was established in 1861. That reserve is now called Pessamit. At the end of the day, we should have been deported, sort of like the Acadians were to Louisiana.

[English]

Mr. Marc Chalout: I want to put this in context. This was a so-called reserve, because it wasn't recognized as a reserve, although it was federal land. It must be said, and it is mentioned in our brief but not in this presentation, that to repair the situation, instead of adding some acres to the 97 to make up for the 230, the government asked for a diminution in the amount of money they had paid to the person who had just swindled them. They got swindled and we got swindled at the same time.

That was one of the explanations. When we came back with that notion, they said we should have asked for more land. Here we are. We have some families who are being taken from one area and brought into—let's face it—a swamp. They used to live in Pointe-à-la-Croix, a nice place, and were transferred into a swamp. They are not allowed to get out of there. I remember when we were questioning the people, they said they're not even allowed to go outside the fences for raspberries and blueberries because it's not theirs.

A few decades later, they're still there. They were asked repeatedly to go to Pessamit, where they should all be. The government attempted to get all the Innus into Pessamit, which is a deportation. However, it didn't work. Every time they brought the Innus to Pessamit, about 150 or 110 kilometres from our reserve, the Innus went back to their original lands.

We stayed there and what developed is what I call a war mentality. There were four specific wars because of the situation where you're sitting on 0.4 square kilometres. One was the salmon war, which Martin mentioned. Then there was another one when we asked for another 0.4 kilometres. That was a war. It was settled with two-by-fours. It was not a nice situation. Then there was the unemployment insurance war, because we were accused of hiring people. That was not recognized by the judges, by the way. More recently, there was what we call the "yellow sign" war where it was posterized all over the place in Les Escoumins. That's when I came in as a crisis manager in 2004. We were in the middle of a crisis. It was said there would be no negotiating with the Innus; they would never be given territory.

This is the context. We're saying to the people outside the reserve, it's as if we were asking for more than we deserve or more than should be given, which is not a fact. If things had been explained to them, such as we were swindled from the beginning. From the beginning, the municipality had 240 square kilometres. We have 0.8, and we had to fight for the extra 0.4.

That's what we mean when we say relations had been broken based on false assessments that we were just asking for too much. We were told we couldn't ask for all that because we already had enough. No, and that has poisoned the relations.

Let's be honest, Les Escoumins council has managed, with new generations, to bring back peace where we are embarking on partnerships. We are trying to work with them, but our argument here is that this should be one of the aspects of retribution in the sense of helping us mend this situation. Let's put some money and effort into working together with the communities around us.

• (1020)

Mr. Kevin Waugh: As the House of Commons Standing Committee on Indigenous and Northern Affairs, these are the stories we need to hear. This is probably the best we've heard in three days, to be honest with you. You were blunt, you told the story, and I thank both of you.

I don't know how you go forward. Perhaps talk about that, because there is so much damage that has been done in the past. I don't know how you move forward with this, or do you move forward?

The Chair: You have about 30 seconds.

[*Translation*]

Chief Martin Dufour: As I said earlier, we have taken our destiny into our own hands and we now look to the future instead of the past.

[*English*]

Mr. Kevin Waugh: Yes, you're the new generation. Thank you.

But your elders, talk about them, because they have history on this file.

Mr. Marc Chaloult: There are wounds to be mended.

Mr. Kevin Waugh: There are wounds to be mended.

Thank you.

The Chair: There are 10 seconds left, so that ends that round.

We're moving to MP Romeo Saganash.

[*Translation*]

Mr. Romeo Saganash: Thank you, Madam Chair.

My thanks to our two witnesses. I completely agree with what my colleague just said. That's a very clear example of a specific claim that did not move forward.

You mentioned reasons that are quite understandable but unacceptable. I don't want to criticize my friend Mr. Amos, but I have visited the Essipit community at least a dozen times in the past 20 years. I even went to one of its outfitters with Sylvain Ross, with whom I studied law and who remains a friend. I know he has gone hunting, but I would like you to say hello to him from me.

You mentioned the federal government's dishonourable behaviour in those cases. I find that behaviour quite deplorable. In our previous hearings, a number of people mentioned the need to establish an independent process for those specific claims. For the time being, the federal government remains both judge and jury, which seems completely unfair in those types of cases. Could you elaborate on that? In addition, in your recommendations, you said that there is monetary compensation only and nothing else. In the communities, that type of situation often creates tension between aboriginal and non-aboriginal peoples.

We may see this in terms of the exemplary damage claims that are sometimes referred to the tribunal. This lack of remedy for the tensions that have been caused is a major issue for us. We have often faced this problem in a number of regions in Quebec, including mine in northern Quebec. I think your proposal for a joint development fund is extremely generous, especially in light of what happened with those two specific issues. In a way, it is to bring about peace, as Mr. Chaloult has just said. Could you expand on that? I think it is important when we talk about reconciliation to propose concrete actions to that end.

Have you previously proposed anything similar to the federal government or is this the first time you are doing so, here before the committee?

• (1025)

Chief Martin Dufour: With respect to comprehensive land claims, we have asked that a common development fund be set up, and it has been, but it will only be active once the treaty is signed. I like to say jokingly that comprehensive land negotiation is older than me or that I am younger than it. We don't know when that will be resolved. There was a March 31, 2017 deadline. We're nearing the end of 2017. I won't go into it any more except to say that we took steps at both levels of government to get money that we could spend jointly with the surrounding municipalities, or even the RCMs.

Mr. Marc Chaloult: I would simply like to add that this is still a fairly new concept.

While the squabble was in full swing, in 2008, we withdrew from any fight where people would go so far as to shout.

The council, which wasn't yet being led by Chief Dufour, but ended up being during this process, went to see the company that was hiring in the region, Boisaco. Its leaders knew that cubic metres of territory had to be allocated to us through the treaty, which had not yet been signed. The workers are fetching wood in the area of Manicouagan, right now. We told the business leaders that we could work together. We have also offered to invest in the processing of wood waste into pellets.

The beauty of all this is that we would seek as many grants as possible from the federal government. As a First Nation, we have access to grants. A person could meet with a municipal representative to see what we could do. And that's what we did. The company announced a partnership with Essipit and, a week later, the posters disappeared.

We understood something. We realized that this was a rather innovative way of working. It doesn't work like this everywhere.

Then, Chief Dufour continued the work with several other companies.

Chief Martin Dufour: I simply want to add that we have signed memoranda of understanding of mutual respect and partnership with our neighbours.

First, we signed a memorandum of understanding with the Bergeronnes. Then we continued with the Haute-Côte-Nord RCM. Finally, lastly, we signed an agreement of mutual respect with Tadoussac, the oldest Canadian village, where the great alliance of peoples with Samuel de Champlain and the great Innu leader Anadabijouhtp took place in 1603. We thought it important to do so. We continue to believe that such actions must be taken with a view to reconciliation.

[English]

The Chair: That concludes the period for your portion and we're moving on to MP Bossio.

Mr. Mike Bossio: Thank you both for being here today and sharing your story. I have to concur as well with my other two colleagues that it is probably the most graphic, detailed overview of the level of animosity that can occur between levels of government, between communities, and just how what could go wrong did go wrong, and seems to continue to go wrong.

You've gone through the comprehensive land claims agreement. You've gone through the specific claims process, through the tribunal's specific claims process, yet you're really no further ahead. I'm a little dumbfounded that you went through all of the processes over 30-plus years and still you're in the same position you were at the beginning of the process, for the most part. How do we correct the process so that we can come to a position of finality so that you can get on with your lives?

•(1030)

[Translation]

Chief Martin Dufour: In addition to not being further ahead, we have a debt of \$12 million, which must be paid by a population of 450 people. However, thanks to Bill C-3, which follows from the McIvor decision, the community now has 751 members.

I talked about \$12 million, but it's closer to \$13 million. We didn't think of it as a debt, but rather an investment. In addition to not having any tangible results, we have a debt of \$13 million.

[English]

Mr. Mike Bossio: Through the process, just to add insult to injury, you went into this debt, but that debt actually didn't even cover funding for research, for you to do the background research, not just research on the claim itself but research in relation to the opportunities lost. You noted other areas in terms of compensation that aren't being considered. It's only expropriation measures that are being utilized and not the other measures.

Did you have to use your own funds to do that research or have you been able to do that research and been able to establish the level of compensation that you feel should come as a result of that?

[Translation]

Chief Martin Dufour: There are two separate cases.

In the case of specific claims, which we spoke of earlier, we are obliged to pay out of our own pockets. The \$13 million in debt stems from the comprehensive land claims, in which we are involved with two other Innu nations.

The Regroupement Petapan brings together the Innu Nations of Essipit, Mashteuiatsh and Nutashkuan. More than half of the Innu population of Quebec is represented by this group. We are in the process of drafting a brief that we will send to you in the coming weeks. Petapan began to prepare a brief, but given the short amount of time prior to appearing before the committee, we didn't have time to prepare a presentation.

[English]

Mr. Mike Bossio: If I look at this whole process now, over the last few days, and yours in particular, I can see that it raises a number of different, specific areas that need to be dealt with. Under the comprehensive land claims agreement, there's no arbiter of last resort, so there's no tribunal. Even under the Specific Claims Tribunal, there's no final resolution that the tribunal can rule upon.

It can rule that, yes, you won, but whoop-de-do, what do we do as far as compensating beyond that goes?

There are no timelines involved in the negotiating process. The negotiators themselves don't have a mandate at the table to be able to make the decisions necessary to reach a final agreement. Then you don't have the funds for negotiation and you don't have the funds for research on either side of it without having to go into debt.

Are there any other areas that you could add to that where there are really glaring examples of inequities or tools that need to be added?

Mr. Marc Chaloult: Mr. Saganash was saying there is no sense in the fact that you have to pay to negotiate. We're trying to get back something that was taken. Chief Dufour said earlier that if somebody leaves with your furniture and your house and gives it back, he's not your friend until you can trust him again. So that's one thing.

I think the other aspect, in answer specifically to your question, is that the government tells us that we can't negotiate and get land back, and we understand that. It's all municipal territory around. We won't start another war. We tried to get 0.4 kilometres a few years ago, and it nearly did start a war. We're not going to do that again. But we're told that we're not going to get money either, so we're trying to come up with innovative ways of doing things, like the funds that we're suggesting.

•(1035)

We have a problem right now with water, and we share that problem with Les Escoumins, and maybe we could do something together, that type of thing. We were mentioning simple things like maybe retribution through words, saying, "We're sorry we've done that. Maybe we shouldn't have done that. Is there any other way that we could fix...?"

In other words, what we're saying is that it's the mentality that makes no sense. We had to go through a process that cost us a fortune, not in the millions but in the hundreds of thousands of dollars until we ran dry and had to beg for more money to continue. We had a judgment in January of this year that says you are right, but now we're in a situation where we're being asked, what exactly have you suffered as far as money is concerned? And we just said so. We're at war with our neighbours. We've been at war with our neighbours for almost 100 years, and you want us to put money into that. It's hard. It's difficult. Yes, we're trying to do it.

Had we had access to the gulf... We're fishermen and we're hunters. We hunt seals. Had we had access to the river maybe we could have done.... But, no, they were all cliffs; we couldn't reach the river. The only place where there was a sand embankment wasn't on the reserve. How do you put money to that? Yes, we could have been a bigger reserve. No, probably other people, families, wouldn't have left and gone to Pessamit. They would have stayed there.

There are many aspects that are hard to put money to. That's why we're looking for innovative ways and we're saying, "Let's change the system." We do understand that there are exceptions to this rule, but in our case I don't think they apply. I don't think we could go back and say that this municipal territory is not yours anymore, but it's ours because we were stolen from. We couldn't do that.

Through territorial negotiation, we are going to get some land back, which is great.

I have said what I had to say.

The Chair: Very well.

MP McLeod.

Mrs. Cathy McLeod: Thank you.

Thank you for your articulate testimony. It really illustrated the challenges, the frustrations, with concrete examples, so thank you for that.

What you have also done, as my colleague Romeo Saganash said, is that you've been very generous in terms of your relationship with your neighbours. Some witnesses have talked about it a little bit, saying, we need public education, we need to do some things, but I think you did it in the most concrete way that I've heard.

Really, that is the federal government's job. You're doing the work that perhaps the federal government should have been taking on in terms of working with communities, working that whole community relationship piece, in terms of your neighbours understanding what the history is, why the government is doing what it's doing, and what our legal obligations are. You're having to deal with the brunt of very difficult relationships, and I thank you for that.

I also was very intrigued by your suggestion in terms of relationships, basically a reconciliation infrastructure kind of thought, something to move communities forward in a positive way. I thought that was certainly a very interesting recommendation. As we know, communities have lived side by side for many thousands of years in that area, but some of the people who live there in the communities now are innocent of the government's misdeeds also over the years, so we have that work to do.

I can't recall. I know it's in the comprehensive and we've heard from other witnesses, but within the specific claims process is there significant cash settlements or something up front for willing seller, willing buyer? Has that been any part of the strategic...? Perhaps someone has a strategic piece of property and you see that as an important part of your interests. During your transitional time frame of negotiations, have there been any opportunities in that area or is there any recognition of that?

•(1040)

[Translation]

Chief Martin Dufour: We need to work with the government to determine the amount of compensation. That's the last stage, and it will also go before the tribunal.

We didn't wait to start buying land adjacent to the nation's reserve for potential enlargement so that it would be the least difficult for us and so that we would have the fewest possible problems on the coveted land, which is right next to the reserve. Basically, it's the land we didn't have. We hope we'll recover this money when compensation is given, since we have received a favourable judgment from the court. It's the land that should have been surveyed in 1892.

[English]

Mr. Marc Chaloult: The land we were looking at and that we've bought is in municipal territory. If we were to have it through the agreement, it would put an end to a situation that has always existed where we have always tried to have access to Route 138, the only road on the north shore. There's just one. It's always been denied by the municipalities, saying, "No, the Indians will not have space on the road because then they would start selling things to tourists, and that would not be good for our businesses, and blah, blah, blah."

If we were to get that land, it would give us access to the road, which would be very good, because as was mentioned, we are a commercial people. We'd like to start tourist businesses, those types of things, but you don't see our operations from the road. You have to get into the reserve.

I just wanted to add that part, because what Martin just said is that these lands we bought, we purchased them. They're just not part of the reserve.

The Chair: Thank you. Your five minutes is up.

We're moving to MP Amos.

[Translation]

Mr. William Amos: I would like you to talk about a legal aspect of the agreements that have been signed with respect to specific claims. The aboriginal community is being asked to compensate the federal government for future applications. In my riding, the Kitigan Zibi community is opposed to this notion of compensation against any other claim that may be made in their specific claims.

I don't represent that community, but I think it's opposed to it because other Algonquin communities could make claims on lands that are part of specific claims.

Do you have any comments on this aspect of the specific claims document? Does that concern you?

•(1045)

Chief Martin Dufour: In the 2004 agreement-in-principle, there is no real territorial overlap between our ancestral lands, which we call *nitassinan*, and those of the Innu nations. Our neighbours are the Pessamit and the other nations further north are the Mashteuatsh.

Since the 2004 agreement, we have established territorial boundaries and talked to elders. At the time of the CAM, there was a major study to find out who practised the Innu Aitun, the traditional hunting, trapping and fishing activity that takes place in the areas. We were still able to define the ancestral territory *nitassinan* in this way.

Mr. Marc Chaloult: On the central theme of the negotiation, I would add that we've never been in favour of the "just in case" approach because we can't predict the future. If I understood you correctly, all the potential lawsuits would be suppressed by putting money on the table.

In 50 or 75 years, we can't expect first nations to be frozen into a model and not move. If society moves, the first nations will move as well.

First of all, as Mr. Dufour said, we don't have problems with the first nations around us because they are Innu with whom we already have signed agreements. Second, the idea of paying in advance for wrongs that might occur has never been in the logic or the dynamic of the negotiations so far.

As for the legal aspect of your question, I can't comment too much.

Mr. William Amos: The intention is to eliminate the past obligations to establish an atmosphere of certainty and to move forward, which might make it possible to conduct other negotiations on other issues.

Thank you for your comments.

Mr. Marc Chaloult: The obligations aren't extinguished; it's not in the logic of our negotiations. It's the same kind of situation, as Grand Chief Awashish said earlier. We don't follow a logic of extinction. Aboriginal titles and ancestral rights remain at the centre of our current negotiations.

Mr. William Amos: I understand.

The purpose of specific claims is to resolve past disputes over certain territories, while comprehensive claims are intended to resolve broader claims.

Chief Martin Dufour: I invite you to consult Regroupement Petapan's brief when it's ready. It may provide you with more specific answers.

Mr. Marc Chaloult: However, you've given us the opportunity to add some things to our brief. That's the kind of thing we're going to look at. Going beyond that would venture into a legal territory that we don't know enough detail about.

Mr. William Amos: I'm glad we've had this interaction and that you agree to provide us with more material.

The Chair: Thank you.

Mr. William Amos: Thank you.

[English]

The Chair: We're using some flexibility.

The questioning now goes to MP Saganash.

Mr. Romeo Saganash: Thank you, Madam Chair. Do I have three or five minutes?

The Chair: You have three minutes.

Mr. Mike Bossio: Take the five minutes.

Mr. Romeo Saganash: No, I don't think I'll be long.

[Translation]

I asked a question earlier, but you didn't have time to answer it. That's why I wanted to come back to it at the end.

It relates to the process before us that deals with specific claims. You talked about the antagonistic nature of the process. I understand you very well, especially since during this process the behaviour demonstrated by the federal government was often very cavalier, even when it was faced with its constitutional obligations. The government is supposed to act honourably in this process.

I would like your opinion on the recommendation that several witness panels have made since our hearings in Vancouver and Winnipeg, to have an independent process, on the one hand.

On the other hand, I can't help but point out that, despite the January 30, 2017 ruling, when the court agreed with you that it was the fault of the federal government, you still had to continue to bear the burden, because the only hope you have at this point is the settlement of the comprehensive claim for other lands. So this is a treaty that no one knows when it will end. You started your negotiations with the Atikamekw a long time ago. It's been 40 years now.

Despite this favourable court ruling, there is still no settlement in sight. So you continue to bear the burden for all this.

•(1050)

Chief Martin Dufour: As far as the independent tribunal is concerned, I think that might be a solution, or we could adopt more flexible criteria, because we have clearly demonstrated that the Crown was wrong in our case. The evidence was blatant. So why was it not accepted on our first request? That remains to be defined. However, having an independent tribunal could be a solution, yes.

In terms of compensation related to the favourable ruling for our specific claims case, I think it's impossible for us to get land because of that, but only money. Indeed, within the comprehensive land negotiation, the plan is to obtain many surplus lands. We are talking about all the outfitting lands as well as the lands somewhat adjacent to the Innu Assi, which is the fee simple land. As far as Essipit is concerned, it is about 345 square kilometres. However, this has not yet been done.

Is there a plan B? There is always expansion of the reserve, which we have already begun. We have managed to increase the reserve by half. From 0.4 square kilometres, we are at 0.8 square kilometres. It's pretty ridiculous when you think about it. It might be possible to expand the reserve, but I don't think it will be up to 200 or 300 square kilometres.

Mr. Romeo Saganash: Does it seem normal to you that, in spite of a favourable court ruling—I don't think the government has deemed a judicial review of this ruling necessary—it would be impossible to do justice to you, further to the process you participated in in good faith, as I understand it?

Is it normal for a specific claims process to be dependent on another process, the comprehensive land claims?

Chief Martin Dufour: No.

[English]

The Chair: We had a request from MP Bossio to ask a quick question. You're going to be the wrap-up.

Mr. Mike Bossio: I have a number of quick questions.

When I asked my last questions, I gave an overview of a number of issues, and I'd like to confirm that you agree these areas need to be addressed.

Like there is an independent tribunal for the specific claims process, there should be an independent tribunal for the comprehensive claims process, so that once again it's not all on the government side and the negotiations come to naught; they don't go anywhere. Would you agree with that?

[Translation]

Chief Martin Dufour: Yes, we agree with that.

[English]

Mr. Mike Bossio: Would you also agree, though, that under this independent specific claims tribunal process, and if there's one created for the comprehensive one, they need teeth to be able finalize agreements?

•(1055)

[Translation]

Chief Martin Dufour: Yes, if the mandate is very broad and has no restrictions.

[English]

Mr. Mike Bossio: Okay.

As far as the timelines of negotiation go, more efficiencies need to be developed within the negotiation process to shrink those timelines.

[Translation]

Chief Martin Dufour: Yes. Sometimes, we wonder if the negotiation isn't an industry.

[English]

Mr. Mike Bossio: Exactly.

That was going to go to the next question to try to head that off. The funding process needs to change so that indigenous communities are not going into debt once again to participate in these negotiations.

[Translation]

Chief Martin Dufour: Essentially, yes.

[English]

Mr. Mike Bossio: Not just in negotiation, but that an adequate level of funding be established. I don't know how the criteria would be defined around the research that goes into these claims.

He's nodding yes, just for the record.

[Translation]

Chief Martin Dufour: That's right.

[English]

Mr. Mike Bossio: Finally, and one that I think doesn't get enough attention, is public education, in terms of the historical injustices that occurred, the cultural continuity that is so important for a community. Education needs to start very early in the process, progress through the process, and continue after the process has been completed so people fully understand why the process was initiated in the first place, the importance of finalizing the process, and the actual benefit that can accrue to all communities in and around the process so that we eliminate the unfounded fear that is associated with the whole claims process.

[Translation]

Chief Martin Dufour: Yes.

I wouldn't talk just about education, but transparency as well. I would go even further than education. I wish that, once and for all, in Quebec and in Canada, we would begin to teach the true story. I am proud to be Innu, and I would like Quebecers and Canadians who go to elementary school to know the true history of Quebec.

[English]

Mr. Mike Bossio: Thank you.

[Translation]

The Chair: Thank you very much.

[English]

Thank you for coming. We appreciate your attendance, your candour, and your passion. You told your story and we will share that with government and those who choose to read our report.

Again, your submissions can still come in until mid-October.

You have our sincere thanks from all committee members.

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