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Chair

Mr. Barry Devolin

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• (1535)

[English]

The Chair (Mr. Barry Devolin (Haliburton—Kawartha Lakes—Brock, CPC)): Good afternoon, everybody. We'll try to get started here.

Before I welcome our guests, I would just like to start by drawing the attention of the committee members to the agenda. There's one small change. We are welcoming two groups of witnesses today. The first, from now until 4:25, is the Naskapi Nation, and then from 4:25 until 5:15, we'll have the Makivik Corporation.

You'll note that from 5:15 until 5:30 we will have some committee business in camera. There are two issues. One is a notice of motion from Ms. Neville, and second, I want to deal with the requests I have received from several members for an additional meeting this week. We'll stop at 5:15. I'm hoping we can accomplish all of that in 15 minutes, but if some of my colleagues wish to take longer to express themselves, I want you to know that I have lots of time tonight, and I don't need to rush off to anything at 5:30.

An hon. member: Are there votes or something?

The Chair: To my knowledge there are no votes today. I understand that there's lots of time. We're going to be here right until Friday until two o'clock. So I'm sure that we can hold the votes later in the week if we need to.

I would like to welcome to the table representatives of the Naskapi Nation of Kawawachikamach. Today I would like to welcome Chief Philip Einish; Robert Pratt, who is the legal counsel; and Paul Wilkinson, who is a special adviser.

I'd also like to note that we have in the room today several other representatives from the Naskapi Nation: Mr. Paul Mameanskum; Mr. Edward Shecanapish, also a counsellor; Isaac Pien, a counsellor; and John Mameanskum, director general. Welcome to all of you. I see you brought your weather with you here to Ottawa today.

What we'd like to do is give those at the table the opportunity to make a presentation. If you could hold it to about ten minutes, whether that's from one person or collectively, we would appreciate that. It allows us to get on with our questioning.

I will need to bring this portion to completion at 4:25. With that, who would like to make the presentation today?

Chief Philip Einish (Naskapi Nation of Kawawachikamach): Good afternoon.

[Witness speaks in native language]

My name is Philip Einish. I am the chief of the Naskapi Nation of Kawawachikamach. On special occasions, such as at meetings with government people, when I present something, I always start off in my mother tongue because language is an important issue in my community. It's a priority.

I am grateful to the committee for agreeing to hear our presentation here this afternoon. We hope to seek a better future for my people. Our presence here reflects, in particular, the efforts of Mr. Yvon Lévesque. Many thanks, Mr. Lévesque. Other members who have already demonstrated an interest in our rights are Jean Crowder, Nancy Karetak-Lindell, Rod Bruinooge, Todd Russell, and Marc Lemay.

Dr. Paul Wilkinson, who has worked with us for over 30 years, will present our brief, and Robert Pratt, our legal adviser since 1970, will assist in answering the questions that will be put forward.

[Witness speaks in native language]

Thank you very much.

The Chair: Thank you.

Go ahead, Mr. Wilkinson.

[Translation]

Dr. Paul Wilkinson (Special Advisor, Naskapi Nation of Kawawachikamach): Thank you, Mr. Chairman.

Ladies and gentlemen, I will be presenting the Naskapi's brief in English, but if you have any questions or comments in French, we will be happy to respond in the language of Molière, or of Gilles Vigneault, as the case may be.

• (1540)

[English]

Compressing 5,000 years of Naskapi history and 17 years of work on this particular file into ten minutes is a little bit of a challenge, but I shall do my best.

The first thing you need to understand is that traditionally the Inuit of Quebec, particularly the Inuit in the area of Ungava Bay, have been a coastal people. This is generally true of the Inuit from Siberia through to Alaska.

On page one of our brief, you will see a map prepared by Makivik Corporation that shows that in the area of Ungava Bay, the presence of the Inuit was limited to the coast. On page two, you will see that, for the very same reason, all of the contemporary Inuit communities are either on or very close to the coast. Page three will show you that the interior land south of Ungava Bay was traditionally occupied by Naskapi and this started approximately 5,000 years ago, shortly after the glacial ice receded in that area.

The next important fact that you need to know is that, unlike certain other aboriginal groups in Quebec, the Naskapi did want to sign the James Bay Agreement, and in 1975, under the guidance of the Northern Quebec Inuit Association, the predecessor of Makivik Corporation, the Naskapi made a strenuous effort to become a signatory. They were not, however, allowed to. Time ran out, and the parties decided to stick to the deadline of November 1975 for the signing that had been agreed to in the agreement in principle of 1974.

The consequence of this was that the lands of the Naskapi and the rights relating to those lands were given predominantly to the Inuit, even though the Inuit had never used and occupied those lands, and I'm referring here principally to this area shown on the preceding page, north of the 55th parallel.

Among other things, the jurisdiction of the Kativik Regional Government extended south to the 55th parallel even though that had never been traditional Inuit lands, and that is shown on the map on the following page.

The Chair: If I can interrupt just for a minute, the copies that we have are in black and white, but I understand we actually do have some colour copies.

Dr. Paul Wilkinson: There are colour copies. We brought additional colour copies.

The Chair: There are colour copies there, if we could have them.

I'm sorry to interrupt. Please continue, Mr. Wilkinson.

Dr. Paul Wilkinson: Thank you.

The Naskapi were excluded from the James Bay and Northern Quebec Agreement, but they were given a commitment by the signatories to that agreement that a comparable agreement would be negotiated with them. But first the Naskapi had to go to the Inuit and say, "Please, Inuit, will you give us back our lands? Will you please give us back our rights?" That was a humiliating exercise, because the Naskapi are a first nation—and were recognized as such by the National Assembly in 1985—that is in every respect equal to the Inuit first nation.

The Inuit didn't want to hand back to the Naskapi most of what they had taken from them. The Inuit at that time were under great pressure. The James Bay agreement had been endorsed by the Inuit by only a tiny minority, and the three Inuit so-called dissident communities of Puvimituk, Akulivik, and Ivujivik were threatening legal action at that time to have the James Bay agreement overturned. So politically it wasn't very easy for the Inuit to go back to their electors and say, "Look guys, we signed this agreement and we're now going to give away about a third of the land we got, the rights that go with it, and so on."

The consequence was that the area over which the rights of the Naskapi were recognized under their agreement—the Northeastern Quebec Agreement of 1978—covered only a small portion of their traditional lands north of the 55th parallel.

On the following page we have indicated in red the area of traditional Naskapi lands that the Inuit refused to give back to the Naskapi. We use the word "expropriated" in our brief. So although the Naskapi got their own land claims agreement, they and their lands remained under the jurisdiction of the Kativik Regional Government. They were given one seat out of 14. You're politicians, so you know how much power or influence a group that holds one seat out of 14 exercises over decision-making.

One of the particularly painful things for the Naskapi was that they were not allowed by the Inuit to have any important representation on the committees of environmental and social protection created under section 23 of the James Bay agreement, even though those regimes were created primarily to protect the hunting, fishing, trapping, and other rights of the native people.

Paradoxically, since 1990 when the Naskapi first became involved in this file, they have supported the desire of the Inuit to obtain enhanced governmental powers, with one important nuance. That nuance is that the Naskapi wish the Inuit to get those powers over the traditional lands of the Inuit, but they don't want the Inuit to get any more powers over the Naskapi or their traditional lands. The Naskapi are increasingly being put in a relationship with the Inuit in which the Inuit are a colonial power exercising authority over Naskapi lands and Naskapi people.

The Naskapi have tried unsuccessfully since 1990 to obtain a seat at the Makivik–Canada–Quebec negotiating table, or if not a seat, at least some meaningful representation. The Naskapi believe that Canada has a particular special duty to protect its rights and interests in this matter. But Canada has consistently failed to do so.

As I mentioned earlier, the Naskapi have one seat out of 14 on the council of the Kativik Regional Government. They believe that in many ways the Kativik Regional Government has consistently discriminated against or neglected their interests. If you're interested, we can cite examples to support that belief.

● (1545)

The Naskapi, despite all the deficiencies of the Naskapi agreement—the Kativik Regional Government authority, no representation on key committees, and so on—signed the Northeastern Quebec Agreement in 1978 because it offered them great advantages. The first was the possibility of negotiating a new village, which they obtained, and which has transformed their quality of life. The second was the possibility of getting self-government legislation, which was achieved in 1984 through the adoption by Parliament of the Cree–Naskapi (of Quebec) Act. Another was \$9 million of compensation, and so on.

Their fear is that if a new Inuit-dominated government is granted greater powers, the government will exercise those powers. Since the government would be dominated by Inuit for centuries to come, the Naskapi fear that it will exercise its powers in a way that adversely affects the culture, the economy, and the society of the Naskapi.

The original position of the Naskapi was that they wanted the Kativik Regional Government to get out of their traditional lands entirely in exchange for new powers. That position was followed for many years. It became obvious that it was not very likely to succeed.

The compromise position adopted by the Naskapi is that they wish no new powers in certain areas, such as natural resources, wildlife management, taxation, land management, culture, toponyms, and language. They wish no new powers in those fields to be granted to the new regional government unless the Naskapi have consented in advance to that granting.

• (1550)

Mr. Robert Pratt (Legal Counsel, Naskapi Nation of Kawawachikamach): You mean over their traditional lands.

Dr. Paul Wilkinson: I'm sorry, it is over the traditional Naskapi lands, now known as...you had difficulty pronouncing Kawawachikamach; I have difficulty pronouncing Nuchimiuschiyy, which is the Naskapi name for the traditional Naskapi lands.

The Chair: Could you wrap up, please?

Dr. Paul Wilkinson: There is a ray of hope. Minister Pelletier, responsible for aboriginal affairs for the Government of Quebec, visited Kawawachikamach in August 2007. He reacted very positively and very sensitively when the Naskapi explained to them this compromise position relating to the granting of new powers.

In his follow-up letter of October 3 he gave a commitment to the Naskapi that they would play an important role in the stages of negotiation following the signing of the agreement in principle. The chief and I attended the signing of the agreement in principle in Quebec City last Wednesday. We understand that on November 28, I think, the Quebec cabinet endorsed the position, the commitment, given to the Naskapi by Minister Pelletier, although for reasons of cabinet confidentiality we have not yet seen the specific document that was authorized.

Every Minister of Indian Affairs since 1990 has made promises to the Naskapi. I would say none of those promises has been kept. We feel that the position of the Naskapi would be greatly improved if, like the Quebec cabinet, the federal cabinet endorsed a strategy designed to offer reasonable protection to the rights and interests of the Naskapi. Our request to you as a committee is that you make a unanimous recommendation that the federal cabinet endorse such a strategy.

I've run over a little bit, but in 5,000 years there's a lot to talk about.

The Chair: I appreciate that, Mr. Wilkinson.

We're going to go into our first round of questioning. We will have time for one round only. We will have seven minutes each. I will give people a one-minute warning, because I will have to cut it off at seven minutes.

Mr. Russell is first.

Mr. Todd Russell (Labrador, Lib.): Thank you Mr. Chair.

I certainly welcome some familiar faces to Ottawa. I had a chance to meet with your delegation this last spring to discuss this particular

matter. There's no doubt it's a sensitive one, but you've put forward a forceful case.

I have a technical question, first of all. Am I to understand that you've been excluded from any type of negotiations relative to this new regional government?

Dr. Paul Wilkinson: Yes.

Mr. Todd Russell: What has the rationale been for the exclusion? Have they made an argument that...? You're represented already under this umbrella group; did they represent the interests of the Naskapi nation?

I have another question: what obligations does the Government of Canada have under the Northeastern Quebec Agreement to consult, to involve the Naskapi people, when it comes to other types of negotiations that could impact upon your traditional lands or your rights and interests?

I have a third question as well, and I want to be clear: are the Naskapi people looking for extended jurisdiction outside the land base that was negotiated under the Northeastern Quebec Agreement?

Mr. Robert Pratt: I think I can answer your question.

The reason Quebec and Canada and the Inuit have excluded the Naskapi is that all parties claim the treaty rights under the Northeastern Quebec Agreement and the James Bay and Northern Quebec Agreement of the Naskapi are not being affected by the expansion of powers to be given to the Nunavut government. In other words, the hunting, fishing, and trapping rights, and the other treaty rights are not being affected, the argument being that there was a secession of all aboriginal rights in the territory by all parties and an expropriation by Bill C-9 in northern Quebec, and that these are new powers.

The Naskapi argument is not that their treaty rights as such are being affected; it's that they wish not to be dominated in a jurisdictional manner by another ethnic group, which is the Inuit. With regard to their traditional territory, they would like the legislated powers to remain with Quebec. They feel they would be protected by Quebec, but once these powers over resources and other sensitive matters are given to the Inuit, they feel they'd be discriminated against. That's the reason.

In terms of consultation, as I say, the attitude of Quebec and Canada is that consultation is not required because the treaty rights as such are not being affected. We're talking here, broadly, about something else called interests. It's a matter of governance, and these are new powers.

• (1555)

Dr. Paul Wilkinson: On the last point of your question, the Naskapi are not trying to extend their jurisdiction in any way. They're not looking for new powers, they're not looking for existing powers over other lands.

As Robert said, the position of the Naskapi is that they would feel more secure if the powers that are currently exercised by Quebec and Canada continue to be exercised by Quebec and Canada. Because Quebec and Canada have no reason for favouring Inuit interests over Naskapi interests, they would be more even-handed.

Mr. Todd Russell: Yes, but if you listen to your argument, you could almost say that has happened since 1990, since these negotiations have taken place, that there's been a certain favourable propensity to Inuit interests over... I'm not making that jump necessarily, but from your presentation that seems to be the case.

Dr. Paul Wilkinson: Yes, that's correct, but what I didn't mention was that one of the reasons the Naskapi signed the Northeastern Quebec Agreement, despite its shortcomings, was that the powers of the Kativik Regional Government, as they exist now, are really very minor. They're so minor that they can't do any particular harm to Naskapi interests.

But the nightmare example we keep talking about is this. Imagine this new government got power over natural resources and, in particular, power over whether to issue a lease for a mine. Imagine there was a mine, a potential mine, near Kuujuaq, and imagine there was a potential mine near Kawawachikamach, but for some reason both these mines couldn't go ahead—there wasn't enough electricity for two mines, so you couldn't transport the ore for two mines. If an Inuit-dominated government had to decide which of these mines went ahead, our fear is they would choose to authorize the mine near Kuujuaq, because the benefits—the jobs, the contract—would flow to Inuit. They wouldn't authorize the mine close to Kawawachikamach because they wouldn't benefit from it.

This is why we're afraid of certain kinds of powers. But the Naskapi agreed in 1978 to accept the Kativik Regional Government as it was and they're not trying to back out of it. They don't always like it, but that's the deal, and they've got to stick by the deal.

Mr. Todd Russell: So when you look at the agreement in principle that was signed last week, have your fears been heightened or lessened or are they the same?

Dr. Paul Wilkinson: The agreement in principle doesn't bind anyone to anything. It doesn't create any legal obligations. All it says is that the parties are going to keep on negotiating. First of all, they're going to try to negotiate a deal to fuse the Kativik Regional Government, the school board, and the health and social services board. If they succeed in doing that, they're going to have more negotiations to decide whether to give additional powers to the new government. So the Naskapi's fears are no greater because of that and they are reassured by the commitment that Minister Pelletier and the Quebec cabinet have given them to make sure they're properly represented. They would feel even more reassured if the federal cabinet gave a similar commitment.

Mr. Todd Russell: It's very interesting that when you separate governance—this seems to be a governance debate—from aboriginal treaty rights, because of course many aboriginal people would say that self-government is a right in itself, to make decisions regarding your own people, your own culture, your language, your resources, your lands.... How do you differentiate those?

Dr. Paul Wilkinson: This is an issue of concern to the nation, because the preamble to the agreement in principle says that Canada is taking part in these negotiations in a way that is consistent with the federal aboriginal self-government policy recognition of the right to self-determination. That's a huge problem for the Naskapi. I didn't dwell on it today, but if Canada, through its policy, is party to granting more self-government powers to the Inuit over Naskapi

lands, it will make it impossible for the Naskapi to ever exercise their own inherent right of self-government.

• (1600)

The Chair: Thank you, Mr. Wilkinson.

Thanks, Mr. Russell.

Next from the Bloc is Monsieur Lemay.

[Translation]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): I very much appreciate your coming here today. Since Kawawachikamach and the Makivik Corporation file are of much greater concern to my colleague Yvon Lévesque, the Member for Abitibi—James Bay—Nunavik—Eeyou, I would prefer that he put the questions to the two witnesses. However, thank you for meeting with us.

Dr. Paul Wilkinson: Thank you for the support that you have shown the Naskapi since the spring of this year.

Mr. Yvon Lévesque (Abitibi—Baie-James—Nunavik—Eeyou, BQ): I believe that my role as an MP is to obtain justice for all groups that make up my riding. I feel that this is fundamentally important. It is my duty to ask the federal government, as Minister Benoît Pelletier has done in Quebec, to take similar action. Therefore, the request and process must be justified. That is why I have invited you here to explain your position.

The colour map of the Naskapi territory which you produced for the committee claims to show land occupied by the Naskapi from 1940 to 1956. Why does it not cover the period up to 1977, when the James Bay and Northern Quebec Agreement was signed?

Dr. Paul Wilkinson: This map was produced for a special study. I did not have time to alter it. It shows land occupied by the Naskapi for the past 4,000 years or so, land that they continue to occupy to this day.

Mr. Yvon Lévesque: I see.

To my knowledge, following the signing of the James Bay and Northern Quebec agreement, the annual reports produced by the Cree-Naskapi Commission were fairly clear on the subject of land claims. Such claims are not new. I know that you have also had meetings, if I am not mistaken, with Makivik Corporation, to discuss land-sharing arrangements.

What came of these meetings?

Dr. Paul Wilkinson: Regarding this matter, the Naskapi met with representatives of Makivik Corporation on several occasions, but the latter never accepted that the Naskapi Nation should be recognized as a party to the negotiations. There were talks and tripartite meetings with representatives of Makivik Corporation of Quebec and Canada. Unfortunately, the outcome of these meetings did not prove satisfactory in the least to the Naskapi.

Mr. Yvon Lévesque: Thank you.

[English]

Chief Philip Einish: I am Chief Phil Einish of the Naskapi Nation.

The elders, especially our elders who have benefited from the land since the time of their grandfathers and grandmothers and time immemorial, have expressed their views on this new proposed Nunavik. They say they have always shared their traditional Naskapi territory within just below the limits of what is now Kuujuaq. They have always shared with their northern neighbours, the Inuit. The two cultures have always shared, and they want this relationship to keep going for the future ones. What they don't want is an Inuit-dominated government to take over our future ones. They would like to keep this tradition in a solid direction so the relationship between the two cultures does not fade away. In this way, the Naskapi themselves want their traditional interests the way they were.

We support their having greater powers in their traditional coastal areas, but not in our traditional lands. That's the vision of the elders for the future ones. Only in the last 45 years have we benefited from the government. In the past we didn't benefit from anything except the land itself, and we want this vision to be in a solid state that benefits our future ones.

• (1605)

[*Translation*]

Mr. Yvon Lévesque: How much time do I have left?

The Chair: Two minutes.

Mr. Yvon Lévesque: I will ask my questions in quick succession and you can answer them all together.

Did the Inuit use or travel over Naskapi land at the time? Also, did the Naskapi use the coastal area? That's my first question.

I have another question. The letter from Minister Pelletier specifically notes the following:

Moreover, the agreement in principle stipulates that the parties will invite the Naskapi Nation of Kawawachikamach to discuss issues such as the participation of the Naskapi in the Nunavik Assembly, the creation of a bilateral committee to examine certain issues concerning that portion of the land involving the Naskapi [...]

Are you all right with our referring to the portion of the land pertaining to the Naskapi, rather than to Naskapi land, as well as to the Naskapi's position on the scope and aim of the negotiations?

[*English*]

The Chair: You have one minute.

[*Translation*]

Mr. Yvon Lévesque: Following the signing in Quebec of this agreement in principle, did you take part in meetings? Have there been talks between the Naskapi and the Inuit?

Dr. Paul Wilkinson: As far as land use is concerned, traditionally, the Naskapi used the land extending as far as the region known at the time as Fort Chimo, and known today as Kuujuaq.

I believe the Hudson's Bay Company opened a trading post at Fort Chimo in 1831. The company wanted to trade with the Naskapi, not especially with the Inuit. The region south of Kuukkuq was and still is teeming with sable. Sable pelts were extremely valuable back then. The Naskapi were the only ones trapping sable. The Hudson's Bay Company set up business in Fort Chimo in order to have access to the pelts of the sables trapped by the Naskapi.

Obviously, the agreement in principle was only signed on Wednesday of last week. We expect to meet with Makivik

Corporation and with Quebec and federal negotiators by the end of January or by early February. The Chief sent out a letter dated November 26 proposing such a meeting. We expect a positive answer to be forthcoming shortly.

[*English*]

The Chair: Thank you.

Chief Einish.

Chief Philip Einish: Our Naskapi territory has been covered, square inch by square inch, by our traditional Naskapi hunters and trappers, because during the winter months our snowshoes go as far as the Hudson Bay coast and the Atlantic coast. My people have travelled all this area. During the winter months, because of deep snow, our snowshoes have covered every square inch. We had some dogs, but dog sleighs and dog teams can't go in deep snow. Our snowshoes cover that during the winter months. During the summer months, our campfire sites are all over the place, from the east to the coast.

The Chair: Thank you very much.

Ms. Crowder.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Thanks, Mr. Chair.

Thank you for coming before the committee today.

I want to briefly go back to the report that originally raised this matter before the committee. This is the 2006 report of the Cree-Naskapi Commission, and there are two things I want to touch on.

One is the fact that the Naskapi talked to the commissioners, and the commissioners went ahead and held a meeting in which the Department of Indian Affairs refused to participate. They invoked section 167 of the act, saying they wouldn't come to the commission on that matter.

Subsequently, recommendation 25 that came forward from the commissioners said:

The Government of Canada must adequately discharge its responsibility and undertake timely and appropriate measures in consultation with the Naskapi Nation to ensure the protection of Naskapi rights and interests in the present negotiations respecting the establishment of a Nunavik government.

I'm going to paraphrase the government response rather than going through the whole thing. They basically said there would be a four-party process that would include Inuit, Naskapi, Quebec, and Canada, to consider the issues. Subsequently, they said they expected it would yield positive results. The commission reported later that it hadn't produced any desired results.

This committee heard those concerns, so what if anything has the federal government done to address Naskapi concerns since this report of 2006 was raised?

• (1610)

Mr. Robert Pratt: The answer is nothing, to date. We have, however, had a positive response from Quebec, and that's documented.

To make it very simple, we are here today to ask for the same kind of support from the federal government as Quebec appears to be now willing to give to the Naskapi. Simply put, that is to have the Naskapi at the negotiating table, when these agreements are put into place for greater powers for the Inuit government, when those powers extend to the areas that are Naskapi areas under the Northeastern Quebec Agreement. That is all the Naskapi are asking for, to be at the negotiating table when there's a question of those powers extending to where the treaty recognizes as Naskapi territory.

Ms. Jean Crowder: When you say there has been nothing from the federal government, there's no explanation about why they're not responding, based on their own response to the Cree-Naskapi Commissioner's report? There's no response from the government based on what they initially said they would do, and no letters explaining why they have not?

Mr. Robert Pratt: We've had meetings with various representatives of the federal government. The general response is to let Quebec take the lead. Canada says, let Quebec take the lead; this is mostly their responsibility. However, we have always said, take on your responsibility as a fiduciary; protect the Naskapi interests.

We haven't been that encouraged, and it's really been Quebec that has taken the lead. And finally, we have this commitment from Benoît Pelletier to have the Naskapi interests represented when these extra powers are going to be granted that would have effect in Naskapi territory. We are here today to ask for the same commitment from the federal government.

Ms. Jean Crowder: I'm really struggling with how the federal government can simply abrogate its responsibility. There have been a number of court decisions, as you point out, the fiduciary responsibility and other court decisions that talk about the honour of the crown. The federal government is a partner in this, so how can they not be at the table?

Dr. Paul Wilkinson: We are as mystified as you.

When we first got involved in this file in 1990, when we went to Kuujuarapik to meet the Inuit, we had always assumed that Canada would be the Naskapis' strongest ally in this file, and we have 17 years of amazement, disappointment, and inability to understand why Canada has consistently refused to play the role it should.

Chief Philip Einish: We feel that Canada did not do its duty to protect our interests. This is one injustice, but don't forget, there was another injustice 51 years ago when the Canadian government moved us from what is now Kuujuaq, where we had been situated back then, 51 years ago, and then we moved down to the inner part, the interior, where my people's paradise is. That's when the Canadian government promised, again, to move us to what was once Schefferville, the booming mining town. We were promised jobs and better education to better my people and to strengthen our lives, and that faded away too.

•(1615)

Ms. Jean Crowder: In your presentation, you talked about having examples you could provide. So perhaps in the minutes that are left you could talk about some of the examples, about some of the concerns, about what you think might happen to your community if your people are not represented in negotiations.

Chief Philip Einish: Quite clearly, we will not survive, the way it has been, because of the economic aspects and degrading of first nation communities. I fear that my people will not be the same as they are today and in past years, because without the land itself...

The majority of our population is youth, and a lot of them still practise our traditional activities, and so forth. I'm envisioning the land. It's the land base for the survival of my people. We still use the traditional lands a lot, especially the young people who are coming up and representing the majority of our population.

If another injustice is done, this will lead us to disparity, despair, and so forth. Our nation has been struggling, and we always want to move forward and better our future. That's how we ask that we be looked upon.

The Chair: Thank you, Chief.

And the last questioner is Mr. Bruinooge.

Mr. Rod Bruinooge (Winnipeg South, CPC): Mr. Chair, how much time do I have?

The Chair: You have seven minutes.

Mr. Rod Bruinooge: Thank you very much.

I appreciate the commentary received so far from all of the witnesses. Perhaps I'll just start by mentioning that of course, when we talk about the long tenure of time where your requests have been put forward, we must remember that the former government had much of the time in the government offices—of course, that being the Liberal Party. But I think that is well known and it doesn't need to be stated again, although occasionally I like to state it on the record. It is a little disappointing, there's no doubt about that.

Perhaps I could work my way through your document here. You obviously made a number of points.

One of your first points is that the Naskapi tried to sign the James Bay and Northern Quebec Agreement, but they were not allowed to. Just for my own information, could you give me a small synopsis of why the Naskapi weren't allowed to sign that agreement?

Dr. Paul Wilkinson: I think you have to remember that the Naskapi were moved from the Fort Chimo area to the Schefferville area under the influence of the federal government in 1956. At that time, virtually no Naskapi spoke English or French, and no Naskapi had any level of education whatsoever.

So when the negotiation of the James Bay agreement started in the early 1970s, the older Naskapi, the mature Naskapi, spoke neither English nor French. They were living in Schefferville. As I recall it, at the time, radio service in Schefferville came from Corner Brook, so they knew what was happening, with no disrespect, in local hockey in Corner Brook, but they had no idea of what was going on in Quebec politics.

So the first year of negotiations with the Crees and the Inuit went ahead, and the Naskapi knew nothing about it. The agreement in principle for the James Bay agreement was executed in November 1975, and the Naskapi didn't know.

In any case, the agreement in principle only provided for the extinguishing of the rights of the signatories, the Crees and the Inuit. The Naskapi became aware of negotiations in early 1975, when they were visited by the Crees and the Inuit. The Crees and the Inuit each told them what was going on and asked if they would like them to represent the Naskapi.

The Naskapi decided to be represented by the Northern Quebec Inuit Association, even though they're Indians, even though they're closely related to the Crees. The Naskapi had for many years lived near and traded into Fort Chimo, so they had much closer links with the Inuit than with the Crees, so they decided to let the Inuit negotiate for them. And they paid them a significant amount of money for this.

As the deadline for signing the James Bay agreement approached, the Naskapi were advised that the Northern Quebec Inuit Association had done virtually nothing in exchange for the money that had been paid to get the Naskapi mentioned in the James Bay and Northern Quebec Agreement.

So at that time they actually began by hiring Robin. I came on board a little while later and they formed their own negotiating team. The agreement in principle of 1974 said that the final agreement had to be signed in November 1975, and there wasn't time to get the Naskapi into it, and the other parties were unwilling to delay the signing.

If you remember, the purpose of the James Bay agreement is to give certainty to the Government of Quebec and Hydro-Québec that they have the right to develop the territory. The governments didn't want to delay getting that certainty any longer than they could, so the Naskapi were left out.

• (1620)

Mr. Robert Pratt: Bill C-9, as it was called, was the federal legislation that gave effect to and brought into effect the James Bay agreement. The Naskapi, at that time, had engaged me. We appeared before the parliamentary committees and we opposed the adoption of Bill C-9 until we got written commitments from the Government of Canada, the Government of Quebec, the Crees, the Inuit, and the Société d'énergie de la Baie James, Hydro-Québec, to have an agreement similar in nature to that with the Crees. The Naskapi area, where they had hunting, fishing, and trapping rights, would be defined. We got the basic elements of a future treaty. At that point the Naskapi abandoned their opposition to Bill C-9, which was adopted by Parliament the following day.

As a result of those written commitments, the Northeastern Quebec Agreement was negotiated and signed following that.

Mr. Rod Bruinooge: To follow up on that, much of the discussion we've been having has solely referred to governance issues in Quebec, but some of the Naskapi territory does extend into Labrador. Is a similar perspective taken with Labrador?

Mr. Robert Pratt: Naskapi, of course, have large ancestral hunting grounds in Labrador; however, they have not yet had their claim to Labrador accepted by the Government of Canada. It's strictly a funding issue: they haven't had the funds to complete the research to present an adequate case. They've been so busy with other matters that it's not a central issue.

They are not harassed in exercising their aboriginal rights in Labrador. They went to court on this issue. There was a hearing in Labrador City with respect to migratory birds. The crown, after hearing the evidence of the Naskapi and Naskapi elders, abandoned the case against the Naskapi. Since that time they have not been harassed by the game officials in Labrador.

The Chair: You have one minute.

Mr. Rod Bruinooge: I'll go to another of your points. Based on the experience to date with the KRG, it is felt that the regional government will be overwhelmingly dominated by the Inuit for decades, and that they will discriminate against the Naskapi. Why do you believe that?

Dr. Paul Wilkinson: Kativik Regional Government has demonstrated over the last 20-odd years a pattern of discriminating against Naskapi interests. I'll give you two examples.

One is that they got a significant sum of money to establish parks in the part of Quebec north of the 55th parallel. There are some wonderful potential park sites in Naskapi lands. The Naskapi asked that at least one of these sites be approved as a park. The Kativik Regional Government said no. Why did they say no? It was because parks bring with them economic benefits. The Inuit made sure that the parks that were created bring benefits to the Inuit communities. There is one, Pingualuit, which was inaugurated about a week or 10 days ago. It is up near Kangiqsujuaq and brings benefits to the Inuit communities. The other, which is in an earlier state of development, is north of Kangiqsualujuaq on the east coast of Hudson Bay.

The second example is that the Inuit were offered their version of *la paix des braves*. It is called the Sanarrutik agreement, which was signed in 2002 and to which the Kativik Regional Government is a signatory. That agreement grants to the Inuit economic development rights in Naskapi lands. Again, the Kativik Regional Government became a party to that, even though it was prejudicial to the interests of the Naskapi. As we said before, the Naskapi are one voice in 14 on the council of the KRG. A political party that has only 7% of the vote in any form of parliament doesn't have a whole lot of influence and doesn't have a whole lot of power.

• (1625)

The Chair: Thank you, Mr. Wilkinson.

With that, I need to bring this portion of our meeting to a conclusion.

I want to thank the witnesses who have appeared before us, and in particular I want to thank again the councillors and the director general, who have travelled to Ottawa today to be here with us.

I'm going to suspend briefly. I would ask Makivik Corporation to come forward; we'll try to do this shift in about two minutes.

• _____ (Pause) _____
•

The Chair: If we could reconvene, we'll go through a similar process now. Basically we'll have about a 10-minute presentation, followed by probably one round of questions.

Could I ask those at the back of the room to take your conversation outside? I would appreciate that.

I would like to welcome, from the Makivik Corporation, two witnesses today, Harry Tulugak and Michael McGoldrick.

As I said, if you'd like to take about 10 minutes to make a presentation, either one of you or both of you, we will then go into a round of questions.

Mr. Harry Tulugak (Negotiator, Regional Government of Nunavik, Makivik Corporation): [*Witness speaks in his native language*]

Thank you very much for the opportunity to appear before you today on behalf of the Makivik Corporation.

Right off the bat I'd like to make a correction. Coming from the dissident community of Puvirnituk myself, I can say there was an incorrect statement by our esteemed friend Mr. Wilkinson, where he said the dissident communities of Puvirnituk, Akulivik, and Ivujivik, when in fact it was Puvirnituk, Ivujivik, and half the population of Salluit.

Just at the outset, I'd like to make that correction, and also to correct the misstatement about Inuit government. In fact, it is a non-ethnic government. It's a public form of government that the people of Nunavik are aspiring to.

• (1630)

The Chair: Thank you.

Mr. Harry Tulugak: My name is Harry Tulugak. I'm one of the Makivik co-negotiators for the agreement in principle that we signed in Quebec City just last week. Assisting me today is Mr. Michael McGoldrick, one of the resource persons. He supports Makivik negotiators.

In one form or another we have both been involved in the negotiations leading up to the agreement in principle since the early 1990s. For those of you who may be unfamiliar with the Makivik Corporation, it is the organization that represents the interests of the Inuit of Nunavik.

The Chair: Monsieur Lemay.

[*Translation*]

Mr. Marc Lemay: Mr. Harry, could you please speak more slowly, for the benefit of the interpreters.

[*English*]

Mr. Harry Tulugak: I hope I can present my points.

Mr. Marc Lemay: Don't worry.

Mr. Harry Tulugak: Makivik is also the successor of the Northern Quebec Inuit Association, which was mentioned. It was the body that negotiated the Inuit section of the James Bay and Northern Quebec Agreement on land claims. The regional institutions established under the James Bay and Northern Quebec Agreement have jurisdiction over almost all of the Quebec mainland north of the 55th parallel, or roughly the top third of the province. It is a territory we call Nunavik, which I have seen to be officially recognized in the federal toponymy of the geographical maps of the electorate.

The only areas of this territory that are excluded from the jurisdiction of our institutions are the relatively small parcels of land that come under the authority of Cree or Naskapi governance structures. Needless to say, Inuit constitute the overwhelming

majority of the population of Nunavik. It is also worth noting that with one exception there are only Inuit communities north of the 55th parallel. There are significant non-Inuit populations in some of the larger centres, but they reside in what are essentially Inuit communities. The only exception is the Cree community of Whapmagoostui, which coexists and is located next to the Inuit community of Kuujuarapik in the southwest corner of Nunavik.

In this context it should be clarified that the Naskapi community of Kawawachikamach lies south of the 55th parallel. This relatively new community, which was built for the Naskapi in the 1980s in an area south of Schefferville, is not part of Nunavik. The Naskapi have an uninhabited incorporated municipality north of the 55th parallel, but it has no permanent residents. In stating this we also acknowledge that the Naskapi have traditional lands that extend north of the 55th parallel. They have clearly defined legal rights north of the 55th parallel, and in the not-too-distant past the Naskapi Nation did reside north of the 55th parallel.

Our presentation today will focus on the facts leading up to the signing of the agreement in principle for the creation of the Nunavik government. This will involve some complex issues that trace their origins to decisions taken 35 years ago when the James Bay and Northern Quebec Agreement was being negotiated.

The Chair: I am going to have to interrupt for a moment.

I know that we're on page three of a 13-page presentation and we're more than five minutes in. I appreciate that you're reading slowly for the translators, but if there's a way....

I'm sorry, there were English copies only of the presentation provided to the chair and the staff at the front, so I do have a copy of this.

I'd like you to proceed, and I appreciate that you can't read quickly or the translators can't get it all, but if somehow you could abbreviate this, it would be appreciated.

• (1635)

Mr. Harry Tulugak: I shall do that with great difficulty. Thank you, sir.

May I then skim through my papers?

The Chair: Do what you will, yes. If there are parts of it that you feel you can skip over, I would appreciate that, because at this pace it's going to take 25 minutes to read it.

Mr. Harry Tulugak: As an aboriginal people within the meaning of subsection 91(24), Inuit were offered the opportunity to have their lands and institutions come under federal jurisdiction. However, it soon became obvious to the Inuit negotiators that this arrangement would be based on the Indian Act and that Inuit institutions would only have authority over relatively small pockets of land. This seemed like an absurdity, given that Inuit were the overwhelming majority in the vast territory. As an alternative, Quebec was offering a non-ethnic model that would make use of public institutions that would have jurisdiction over almost all the territory north of the 55th.

To the surprise of the federal and provincial governments, we opted for the public model. While it has the advantage of providing Inuit with institutions that have powers over large territory, there have been debates over some of the risks associated with this model, because public institutions are open to the participation of all permanent residents. Inuit could end up losing control over the various institutions they negotiated if they became a minority within their territory.

In the course of the negotiations, Inuit focused on the creation of public institutions such as the Kativik School Board, the Kativik Regional Government, and the Kativik Health and Social Services Council. Inuit negotiators had intended to regroup all these institutions under one government headed by an elected assembly. Within a few years of the signing of the James Bay and Northern Quebec Agreement, there were calls for renewed efforts to bring the territory's regional institutions under one roof.

There were a number of aborted attempts in the eighties to bring these institutions closer together, but they lacked the political momentum necessary to take root. In order to kick-start the negotiations, Makivik and the governments of Quebec and Canada agreed to establish the Nunavik Commission, which I co-chaired. After extensive consultations with Nunavik and neighbouring aboriginal communities, this commission released its report with a series of far-reaching recommendations for the creation of a Nunavik government with extensive powers.

Conceptually, what we are setting out to do in the agreement in principle is quite simple. The boards and councils of the Kativik Regional Government, the school board, and the Nunavik regional health board will be replaced with one elected assembly. In addition, certain administrative functions that are common to all three organizations, such as purchasing and accounting services, will be centralized under a Nunavik government.

With the adoption of the Cree-Naskapi (of Quebec) Act, Canada fulfilled a commitment flowing from the Northeastern Quebec Agreement to give effect to self-government legislation for the Naskapi.

Self-government of Naskapi lands and institutions comes under federal jurisdiction. This is essentially the self-government arrangement that was offered to and rejected by the Inuit when they were negotiating the James Bay And Northern Quebec Agreement in the early 1970s.

I recall having had discussions about these many issues with the Naskapi representatives in the presence of federal and provincial officials in the early 1990s as a member of the Nunavik Commission. I also remember that the Naskapi made an extensive presentation at one of our hearings. The Naskapi did indicate they would consider the invitations, which were given, only after the parties of the negotiations appointed emissaries to travel to Kawawachikamach.

Together, Makivik, Canada, and Quebec appointed what we called an eminent persons group to listen to the views of the Naskapi. Later, in order to facilitate discussions and draft up what is essentially section 6.5 of our agreement in principle, it was forwarded to the Naskapi. This was followed by a meeting in Kawawachikamach between negotiators and the Naskapi leadership on May 5, 2005. It

was agreed that a four-party committee would be set up to follow up on issues being raised by the Naskapi.

The first meeting of the committee took place in Montreal in July 2005, at which the Naskapi said they would not be ready to engage in a formal discussion on substance before the federal government officially responded to a list of questions they were putting forward.

Since then, there have been a series of exchange of letters on a variety of matters between the different negotiating parties and the Naskapi, in an effort to move the discussions forward.

● (1640)

I'm a bit thrown off, sir.

The Chair: Just go through your list. I think you need to go through your list.

Mr. Harry Tulugak: I apologize.

The Chair: No, that's fine.

Mr. Harry Tulugak: I will now summarize those provisions of the agreement in principle that directly relate to the Naskapi.

First, the territory over which the Nunavik Regional Government would have jurisdiction north of the 55th is defined as not including category 1B-N lands of the Naskapi.

Second, section 3.1.13 of the agreement in principle makes it clear that nothing in agreements to establish a Nunavik government "shall affect, modify or prejudice, and shall not be interpreted as affecting, modifying or prejudicing the rights, privileges and benefits of the Naskapi under the JBNQA and the NEQA or under any other agreement or undertaking to which the government of Québec or Canada is a party".

Third, under the agreement in principle, the Naskapi would retain their representation in Nunavik, with a seat at the Nunavik Assembly.

Finally, in section 6.1, the bilateral committee would be established as part of a Nunavik government to address specific issues relating to the Naskapi. The bilateral committee would be composed of three members appointed by the Nunavik Regional Government, three members appointed by the Naskapi Nation of Kawawachikamach, and a chairperson appointed by Quebec who would be acceptable to both the Nunavik Regional Government and the Naskapi Nation of Kawawachikamach. The agreement in principle foresees a joint working group of the Naskapi to finalize section 6.5 and to fully identify the mandate of the bilateral committee.

I also want to emphasize that provisions of section 6.5 go beyond the status quo in terms of the current obligations of the Kativik Regional Government in dealing with Naskapi issues in Nunavik.

In closing, I'd like to stress the following points.

First, it is important to remember that Nunavik Inuit have opted for public government or, for lack of a better word, a non-ethnic government. This means that all of our municipalities and regional institutions are open to the participation of all residents, Inuit and non-Inuit alike. Unlike many other aboriginal peoples, our governance model is not based on aboriginal institutions, which are controlled exclusively by Inuit, but it also means jurisdiction of our institutions is not limited to Inuit-controlled lands.

Second, in examining our AIP, it is important not to lose sight of the fact that it attempts to create a Nunavik government through amalgamation of what already exists. Except for what is required to merge the boards and the councils, and certain administrative functions of the existing organizations, our initiative does not attempt to make any changes to the powers or jurisdictions of what already exists in Nunavik.

Third, we have always acknowledged that the Naskapi have rights north of the 55th parallel, and that there is a need to enter into a dialogue with them about the creation of a Nunavik government. Although it has taken some time to arrive at the necessary quorum to facilitate such discussions, we believe that an exchange of letters that is currently under way will allow for a four-party meeting early in the near year, involving the Naskapi, Makivik, Quebec, and Canada.

Fourth, above all else, it is important to recognize that negotiations for the creation of a Nunavik government are taking place because Inuit have opted for public government as a means for exercising their self-government rights within Quebec and Canada. Although we opted for a public model, Inuit have confidence that the Nunavik government will provide us with a unified body that allows us to come together to govern our affairs, set our priorities, and determine our future. In this sense, it is a continuation of the work Inuit began 35 years ago with the negotiation of the James Bay and Northern Quebec Agreement.

Thank you for your kind understanding.

• (1645)

The Chair: Thank you.

I appreciate that you were trying to plow through this.

For the committee, it's not typically the case, but we will try to get this translated and circulated to committee members, because at the end of the presentation the points were made, but you had to skip over some of the context at the front end. So committee members may welcome that.

We will have one round of questions, seven minutes each. I ask for the cooperation of my colleagues not to ask long or complicated questions after I give the one-minute warning.

Mr. Russell.

Mr. Todd Russell: Mr. Tulugak, thank you very much for appearing. That was quite a presentation, with much information in there.

I appreciate the aspirations of your people for greater self-government powers, as I do appreciate the aspirations of the Naskapi and all aboriginal peoples for greater self-government powers.

With the governmental structures you have in place now in Nunavik, is there any power or jurisdiction over the Naskapi people in the territory they claim or the territory that's under the Northeastern Quebec Agreement?

Mr. Harry Tulugak: To my knowledge, the existing structure allows for the participation of the Naskapi where Chief Einish participates as a voting member of the 14- or 15-member council that is elected every two years. We have had relationships with the Naskapi in that context, and we know of no other structure accorded to us outside of the James Bay and Northern Quebec agreement and the Northeastern Quebec Agreement whereby we may have any other form of relations, other than a lot of very strong familial connections.

I have a neighbour living in my home community now of Puvimtuq who is of Naskapi descent. He speaks Inuktitut and has married into my family. So we have these strong familial connections, and this is how we have been working together for these many years.

Mr. Todd Russell: As the situation currently exists, the regional government structures in Nunavik exercise some governmental powers that relate to or affect the Naskapi. So when we amalgamate there will still be a certain element of jurisdiction or governance over the Naskapis under this public government. I think that's basically understood.

If you're moving to a public government system and the Naskapi haven't been at the table for 17 years, according to their presentation, who represented Naskapi interests in moving to this new model? If this new government will have certain implications for their lives, who represented the Naskapi at the negotiating table? They say they want to represent themselves, which is understandable, but did anybody represent them or claim to represent the Naskapi at the negotiating table?

Mr. Harry Tulugak: No. I'd like to make a slight clarification on what governmental relations there are. The only governmental arrangement right now recognized under the James Bay and Northern Quebec Agreement is the Kativik Regional Government. It has supramunicipal authority. It has ordinance-making authority. It includes what was agreed upon in the James Bay and Northern Quebec agreement in 1975, and that includes the Naskapi through the Northeastern Quebec Agreement. That is the only form of government we have at the present time in the region of Nunavik.

• (1650)

Mr. Todd Russell: When we look at a new governance model, we don't just want status quo in governmental powers or governance powers—and I have great interest in this from a Labrador perspective. When you move to this new form of regional government, public government per se, isn't it contemplated that you want expanded powers at some point—that is the goal—not the same powers that were negotiated under the James Bay-Quebec agreement or the Northeastern Quebec agreement?

Mr. Harry Tulugak: At this time we are in an agreed-upon phase, which is phase one, to regroup all these public bodies under one roof, which is not the case right now. The understanding among the people around the tripartite table is that there will be a second phase, way in the future, on the notion of new powers. Phase one includes restructuring and putting all these public bodies under one umbrella, one assembly, which is not the case right now.

Mr. Todd Russell: Liberal or Conservative, I don't really give a rat's whatever, but I do believe that the federal government has a fiduciary obligation to protect aboriginal people and to include them where possible. They shouldn't be left off the hook with that.

Has Makivik ever been opposed to the Naskapi having a seat at these tables?

Mr. Harry Tulugak: Never. Our history has been that we've invited them. I've been there for many years with Mr. McGoldrick, in the same room with Naskapi and federal representatives. We always tried to find ways to accommodate their concerns within the existing circumstances and the existing legal and treaty organizations. The door is always open. That's why we have a section 6.5 in our agreement in principle. We're always trying to accommodate their certain situations related to the Naskapi issues. The door is always open.

Mr. Todd Russell: Thank you very much, sir.

The Chair: Thank you.

Mr. Lévesque.

[Translation]

Mr. Yvon Lévesque: Good afternoon, Harry. I have here a map showing the Naskapi land claims. I don't know if you have one as well.

Are you challenging any of the Naskapi claims? More specifically, have the Inuit ever occupied the land in the way the Naskapi claim to have occupied it? Have you in fact ever occupied the land in question in this manner?

[English]

Mr. Harry Tulugak: Mr. Wilkinson made the statement at the outset about 5,000 years of history. The Naskapi he represents and the people I come from both have very strong oral histories. One of the oral histories that I know of says that when my people were caribou hunting they thought they saw Inuit, but they were in fact trees. They had never seen trees before in their hunting expeditions, and they had gone very far south to the tree line—and vice versa. It has always been traditionally shared territory because there was absolutely no notion of boundaries between the Naskapi nation, the Cree Indians, and the Inuit. It was always about survival. We never had these boundary disputes. They didn't exist until 1975.

• (1655)

[Translation]

Mr. Yvon Lévesque: Please understand me when I say that I am extremely pleased with the initiative that has been undertaken to date and with the agreement in principle reached with the regional government. I am happy that you have this authority. I only have one question. There are 13 villages in all that are exclusively Inuit, as well as the village known as Whapmagoostui-Kuujuuarapik that is populated by Inuit and Cree and a 15th village on this land by the

name of Kawawachikamach. The latter is part of the electoral district of Nunavik.

If we exclude the Naskapi territory which is currently occupied by only 1,000 Naskapi or so, what authority would this take away from the regional government of Nunavik?

[English]

Mr. Michael McGoldrick (Policy Advisor and Political Advisor to the President, Makivik Corporation): The Naskapi community actually is just outside of Nunavik. It's just south of the 55th parallel. Their traditional lands are clearly north, in Nunavik, but the community itself isn't part of Nunavik.

The question about the territorial claims, I think, is one that's critical to hear, because it's been addressed by the land claim agreements. When you talk about the use of lands and the application of laws, the Naskapi have particular hunting, fishing, and trapping rights. There are lines on maps indicating what their rights are and how their rights have to be respected.

What we're talking about here aren't land claims; we're talking about governance. When the NQIA, the Inuit negotiator, sat down to negotiate the James Bay and Northern Quebec Agreement and it came to governance, they opted for public government, which came under Quebec jurisdiction. The Naskapi said no. They had an option and they went for having their lands strictly under the control of the Naskapi, not public government, and for their institutions to come under federal jurisdiction.

There are two different concepts. One is a broader public concept where the territorial reach of their jurisdiction is not limited to lands reserved for the aboriginal people in question. All of the Inuit communities are public. The minute there is an influx of people for mining, or whatever, they could lose control of their institutions. On the other hand, since they are public institutions, the territorial reach of their jurisdiction goes beyond what would be considered category 1A lands. And these are implemented by Quebec. It's the only area where the Inuit are aboriginal people under subsection 91(24) of the Constitution, but these laws are put in place by the Quebec National Assembly because they're laws of general application; they apply to all of the people of the territory. So the school board, the health board, the Kativik municipal government, or supramunicipal government, were all put in place as broad public institutions. And the only exercise under way today is simply to amalgamate the existing organizations.

It's somewhat radical, because you don't have in any province or a territory an institution that somewhat mirrors what the province does. But this doesn't add to anything; it is simply taking what already exists. And the territory, the Kativik Regional Government, the Kativik school board, the health board, etc., have jurisdiction over the area north of the 55th parallel—

The Chair: You have one minute.

Mr. Michael McGoldrick: —and we're amalgamating that into one institution.

[Translation]

Mr. Yvon Lévesque: You have seen the proposal that Minister Pelletier has made to the Naskapi Nation. The goal is to ensure that the Naskapi have a seat at the table when discussions take place further to the agreement in principle. In the meantime, if I understand correctly, the agreement calls on the two parties to sit down and negotiate as nations. I do not think it is up to us to resolve disputes between two nations. I think it must be left to the two nations to define their respective territories. That's all the Naskapi are asking of us today. They are asking the federal government to adopt the same position as the Quebec government, that is to ensure the Naskapi have a seat at the negotiating table.

• (1700)

[English]

The Chair: A very short answer.

Mr. Michael McGoldrick: I only have the English version of what the Quebec minister, Minister Pelletier, wrote, but I understand from the English version that he's committed to consulting the Naskapi when new powers come to the negotiating table.

We've set up a side table, and the negotiators have invited them to participate at the negotiation, at the table, on numerous occasions. They've been consulted. To date, I think there have been four different meetings between the negotiators and Naskapi representatives. So there have been a lot of discussions, but there's been no real engagement on the substance yet, because the Naskapi, I believe, are not satisfied with, I guess, the mandate or the scope of the discussions. This is still under discussion right now. There's been an exchange of letters that we're hoping will allow for further discussions, even now, and there's already been a series of meetings between the negotiators and the Naskapi representatives on what we've been negotiating.

The Chair: Thank you very much.

Ms. Crowder, for seven minutes.

Ms. Jean Crowder: Thank you, Mr. Chair.

I want to thank you for coming before the committee today. The discussions that we've had today demonstrate how difficult it is when you have people from different backgrounds, with European concepts of government primarily, superimposed over peoples who traditionally, for many years, have shared territories, supported each other, looked after each other, and families intermarried. Now we have a system that's coming in and defining rights and property that to a certain extent doesn't fit into the traditional view of how people lived. I think it's very unfortunate that we're in this position, because clearly the Naskapi people don't feel their voices are being heard.

Coming back to the report of 2006, it appears from the report that this has been an ongoing problem. It's not something that just arose since 2006, that the Naskapi did not feel their voices were heard in a meaningful way at the table. So I think it puts everybody in a very difficult position, because I'm sure the Inuit want to get on with economic development and governing in their territory, just as the Naskapi do in theirs.

I wonder if you can see some light in terms of finding a way whereby really families aren't pitted against each other. I wonder if you have any comments on that.

Mr. Harry Tulugak: I would comment to the effect that we don't view this as a problem in any way, shape, or form—the Naskapi concerns and our aspirations. From the Nunavik area, for over 30 years we've aspired to establish a public form of government, but in the process, in the existing structures of the treaty of JBNQA and the Northeastern Quebec Agreement, we will always remain open to discuss and find solutions to issues related to the Naskapi concerns. There is no question about that.

Our political leader, Mr. Pita Aatami, president of the Makivik Corporation, always has his hand out to invite and to try to find ways to have dialogue between the federal and provincial governments, along with the Makivik Corporation, the Nunavik component, to make sure we always....

We want to find a solution with them, except that we've extended this invitation so many times and it has been not well received at times. But we want to keep a good dialogue going. We want to find solutions with them on issues related directly to their concerns, as I'm sure they've said to us they would like to see our aspirations blossom also.

So we're trying to find ways to accommodate each other as we go along. In our agreement in principle, we have section 6.5, which addresses a bilateral committee, and also in the future the door is always open. We'll just keep repeating that the door is always open.

• (1705)

Ms. Jean Crowder: I want to go back to what Monsieur Lévesque was talking about in terms of the letter that came out from Minister Pelletier. It seems that the Quebec government is trying to open a door that would encourage the Naskapi to be considered in a more fulsome way.

I know one of their requests today would be that the federal government would behave in the same way. I wonder if you could comment on that.

Mr. Michael McGoldrick: My understanding is that the federal government has already stated they want to consult the Naskapi on all of what we're doing. They've already written to that effect, as far as I know. Certainly the negotiators have signed letters saying, please come to this table that we're setting up to discuss issues of concern to the Naskapi.

Ms. Jean Crowder: In the 2006 report, again, when the commissioners commented on their recommendation, they indicated that although there had been some talk about setting up this four-party process, in fact this process wasn't moving along in a way that was satisfactory to all parties.

You'll forgive me if I'm a bit cynical about letters from government. And it's not a political comment about the Conservatives; I don't care which political government it is. But letters from government are not meaningful unless they're followed up with real action.

So if in the Naskapi view there is no real action as a result of this recommendation that's come out from the Cree-Naskapi Commission, if there are simply letters, I would argue that's not good enough.

Mr. Michael McGoldrick: Well, one, there were letters signed by all of the negotiators. Several meetings have taken place—in Quebec City, Montreal.... So meetings have taken place; we've discussed these matters. I think we're there wanting to discuss. All the negotiators have gone to these events.

My understanding is that the Naskapi leadership went to the Cree-Naskapi Commission, they placed their concerns, their perspective, before this commission that looks at Naskapi issues, and they said yes.... We didn't present ourselves—

The Chair: One minute.

Mr. Michael McGoldrick: It's for an advocate for the Naskapi to come forward and say, yes, please do something." We think we have opened the door for that dialogue to take place.

Ms. Jean Crowder: My understanding of this process was that the Cree-Naskapi commissioners did invite the federal government to come and participate in the process, but the federal government refused, I think under section 167. They claimed they had no authority to come and appear before the commission on this particular matter. I think that in itself is a statement about the federal government's willingness to come to the table to talk about this, if they refused to discuss it with the commissioners.

You can't comment on that. That's the federal government. I'll leave it at that.

I just think the discussion today highlights the difficulties when we have people who have very different points of view about what's going on. I'm sure people would be very interested in having the federal government take a leadership role in moving forward to resolve this, because they do have a fiduciary responsibility.

The Chair: Thank you, Ms. Crowder.

Mr. Bruinooge, seven minutes.

Mr. Rod Bruinooge: Thank you very much, Mr. Chair, and thank you to the witnesses for your presentation.

I have a number of questions. I'll just ask you a bit about your perspective in relation to public governance.

I know of a great number of aboriginal communities throughout Canada that operate governance models that cannot be filled by any public member who lives within that community. I think the phrase has been referred to as "ethnic-based government" today. Can you explain to me why you believe the public governance model is better? Could you give me more on why you believe that this method of governance, offering it up to all public members, is better than the other approach that has been suggested?

Mr. Harry Tulugak: It was stated at the outset when the James Bay and Northern Quebec Agreement was in the process of being negotiated.

At the time, our negotiators and leaders were under duress, but still the presence of mind of our leadership at the time, taking leadership and taking guidance from the cooperative movement that brought this notion of governance, chose the public form of government way back then, in the late sixties, knowing and having heard of and seen—when they were beginning to travel—the situation of the first nations and their reserves. This imprinted on the minds of our leadership at the time that they should be taxpaying

citizens, and that this opens up more responsibility for the people who choose to live together.

It was, I think, a very basic and simple but very deep conviction that this was the only road to take at the time when this was being expressed. The notion of democracy was already in the minds of people who were self-governing before, when they had no one to answer to but themselves, before the *qallunaaq* came, the Europeans, and they chose this public form of government.

I think it's quite simple.

• (1710)

Mr. Rod Bruinooge: So you're suggesting, then, that this notion of public government wasn't imposed upon you, but rather, you chose this?

Mr. Harry Tulugak: No one imposed it upon us. It's an avenue that we, as a society, chose, seeing that we were all-encompassing. We readily accepted the Scots and the Brits and the French who came to our region to make a living. I'm a product of those interactions. My mother's father was a Scot. We recently discovered a family member in Scotland. This being said, we embrace anybody who chooses to come to live with us.

I think it was very simple. And it works. It actually works.

Mr. Rod Bruinooge: That is really my next question. Do you feel that was the right choice for your people?

Mr. Harry Tulugak: Yes. All of our leadership are acknowledging that today.

Mr. Rod Bruinooge: I appreciate that. Thank you.

As a parliamentarian, I need further explanation as to some of the comments put forward by the previous witnesses representing the Naskapi.

In relation to the Nunavik government and the agreement in principle that will perhaps be ratified at some point in the future, there is a lot of concern that this new government could almost be akin to a colonialist government. I thought that phrase was maybe a little over the top, but perhaps you can explain whether you feel that the new government would come anywhere close to what you perceive to be a colonialist government.

Mr. Harry Tulugak: Absolutely not—been there, done that. It's not a pretty sight to see a society being killed by kindness and having all drive driven out by welfare. Everything seems to be coming at us for free now in our society, whereas my father had to go out hunting every morning, every day. My grandfather had to go out and hunt to survive. Now a lot of us are waiting for our welfare cheques. A lot of us are waiting for our Raglan Mine trust payouts annually. This doesn't work.

It's a misleading statement. We would never impose ourselves on any other society that lives in and around our environment. We've seen that it just kills the spirit. We wouldn't impose that on anybody else.

• (1715)

Mr. Rod Bruinooge: I have no further questions, Mr. Chair.

The Chair: Thank you to all committee members for your timeliness, and thank you to our two witnesses today. I think we've had a good meeting in the last two hours.

[Proceedings continue in camera]

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