



ATIKAMEKW NEHIROWISIW

**Brief submitted by the
Atikamekw Nation Council
to the
Standing Committee on Indigenous and Northern Affairs**

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TABLE OF CONTENTS

NOTICE 1

INTRODUCTION 2

 AIKAMEKW NEHIROWISIW 2

 NITASKINAN 2

BACKGROUND AND FACTS 3

NEGOTIATION ISSUES AND OBSERVATIONS 4

CONCLUSION 6

Notice

The content and terms of this brief are under no circumstances to be construed in such a way as to undermine the aboriginal title and ancestral rights of Atikamekw Nehirowisiw or prejudice any current or future negotiations between Atikamekw Nehirowisiw and the Crown. Consequently, this brief in no way restricts the rights and remedies granted to Atikamekw Nehirowisiw by governments and the courts.

Moreover, this brief cannot be considered the one and only means by which Atikamekw Nehirowisiw expresses its opinion and asserts its rights and interests.

Because of the time constraints, this brief is not comprehensive and is intended only to provide an overview of Atikamekw Nehirowisiw's issues and observations based on more than 40 years of experience.

Introduction

Atikamekw Nehirowisiw

Atikamekw Nehirowisiw is the Atikamekw term for all members of the Atikamekw Nation, both collectively and individually. The Nation is composed of more than 7,700 members in three Atikamekw communities present in the ancestral territory of Nitaskinan, located in the Mauricie and Lanaudière regions of the province of Quebec.

The Nation is represented by the three Atikamekw band councils – the Opitciwan Atikamekw Council, the Manawan Atikamekw Council and the Wemotaci Atikamekw Council – which since 1982 have formed the general assembly of Atikamekw Sipi - Atikamekw Nation Council (ANC). The ANC board of trustees is composed of the chiefs of the three communities and the Grand Chief/President elected by popular vote. The ANC represents the Atikamekw Nation politically and is primarily tasked with defending and promoting the rights and interests of the Atikamekw, including negotiating and signing all land claims agreements with the federal and provincial governments and designated government agencies, in accordance with the mandate given to it for this purpose by the members of the Atikamekw Nation, subject to ratification of any agreement by the members of the Atikamekw Nation.

Nitaskinan

From time immemorial, Atikamekw Nehirowisiw has lived on, occupied and utilized its ancestral territory of Nitaskinan in keeping with the values handed down to us by our ancestors. Those values demonstrate the special and indelible bond that ties us to our MOTHERLAND. Without HER, our roots would not have come to life within her. She is our MOTHER, and it is in that spirit that we maintain that intrinsic relationship with our ancestral land. That is why we belong to Nitaskinan.

The land is our way of life, and it forms the basis of our social, cultural and economic structure. It lies at the heart of our concerns, for it is our past, our present and our future since our destiny is tied to the land. We are the occupants of this land by virtue of our millennial presence, the practice of our traditions and customs, and our desire to preserve its quality and the continuity of its resources for our future generations.

Background and facts

A brief overview of the history of the Atikamekw Nation's negotiations, which began nearly 40 years ago, is provided below.

- 1975: The Montagnais Atikamekw Council (MAC) is established
- 1979: The MAC submits a document concerning its land claim 1980:
The first three-party negotiating sessions begin
- 1988: MAC/Quebec/Canada framework agreement
- 1988: MAC/Quebec/Canada agreement on provisional measures
- 1993: The MAC is disbanded
- 1993(94): The negotiating mandate for the Atikamekw Nation is given to
the Atikamekw Nation Council - Atikamekw Sipi
- 1994: Comprehensive offer by the Government of Quebec
- 1997: Atikamekw/Quebec/Canada political MOU
- 1999: The Atikamekw negotiating strategy committee is formed
- 2003: Agreement in principle proposed by the Atikamekw
- 2009: The federal government's negotiating mandate is suspended
- 2010: Review of the chapters by the three parties
- 2011: Discussions continue between the Atikamekw and Quebec
(Canada attends as an observer)
- 2013: Negotiating sessions resume

The negotiating process between the Atikamekw, Canada and Quebec on comprehensive land claims and governmental autonomy officially resumed in 2013. A number of negotiating sessions have been held since then, and we hope to have an agreement in principle in the near future.

Negotiation issues and observations

In this part of the brief, we summarize under a few major headings the negotiation issues and observations based on the experience of the Atikamekw Nation.

(1) Confidence and time

The length of the negotiations is sorely testing the confidence that the Nation and its members have in the process. Although the Atikamekw Nation still regards the negotiation path as the right one, maintaining members' confidence, which is essential to the process and its success, is a major challenge because of its length.

(2) The pan-Canadian approach

All too often, the federal government's negotiating mandate is circumscribed by pan-Canadian considerations. Canada's approach does not give sufficient consideration to each First Nation's specific concerns and needs, which are based, in particular, on its geographic and socio-economic situation.

In fact, Canada's financial approach completely ignores the Nation's economic situation, characteristics and context in determining financial needs. Recently, Canada showed some willingness to consider these points, including the Nation's socio-economic disparities and adequate funding for governance and infrastructure. This openness is a step in the right direction.

The negotiations must allow for genuine consideration of the Nation's interests in a true spirit of nation-to-nation relations. The negotiating parameters must not be determined exclusively by the governments but also by the First Nation. The governments' successive approaches at the negotiating table have dictated the framework under which the parties worked.

In our view, the negotiating framework must be determined freely by the parties on the basis of their respective issues, objectives and priorities. A negotiating framework agreed upon at the negotiating table and based on good faith, transparency and commitment would enhance the trust between the parties and the progress of the negotiations.

(3) Development of the land and its resources during the negotiations

The absence of interim measures to preserve the rights that are being negotiated is highly detrimental to the reconciliation process. The Nation observes that, despite the Crown's obligations, development of the land and its resources is forging ahead, which is compelling the Nation to take legal action.

(4) An evolving, dynamic agreement

In the Atikamekw Nation's view, negotiation of the treaty is a valuable tool for achieving reconciliation between our respective nations. However, its laboriousness can seem daunting and can be a considerable challenge.

The negotiation of such an agreement should allow for partial, step-by-step, progressive, dynamic implementation.

These progressive approaches are, in our view, essential in order to build the capacities of Indigenous bodies. In addition, such measures would help the parties try out certain mechanisms to test their feasibility and viability.

(5) Recognition of rights

It is vital that the governments' approach to the desired certainty match the First Nations' concerns: true, genuine recognition of ancestral rights, including ancestral title. Moreover, land rights are a major issue for the parties. Yet, all too often, it seems to us as if the Nation is being compelled to make all the concessions on this point, to the detriment of its rights. A fundamental objective of the negotiating process must be to strike a balance between the parties' approaches and visions.

Furthermore, the federal government's approach must respond appropriately to the decisions of the courts in the negotiating process. All too often, the federal government's response is half-hearted, incomplete or inadequate. The First Nations feel as if negotiating yields fewer gains and advantages than going to court.

(6) Transparency of the negotiators' mandate

The negotiators' mandate must be clear and transparent at the beginning of the negotiating process and throughout the process in order to ensure a modicum of trust between the parties in the negotiating sessions. An open, rational negotiating approach would result in fewer delays and disappointments.

Conclusion

In closing, the Atikamekw Nation wishes to reiterate its hope for the negotiations on comprehensive land claims and governmental autonomy. We believe that the conclusion of a treaty is a useful and valuable tool for our Nation.

On the other hand, in our view, the success of this reconciliation process depends largely on the trust that must exist throughout the negotiations. That trust hinges primarily on a balanced approach and the genuine consideration of the parties' specific individual interests. However, concrete measures are needed in the immediate future, during the negotiating process, including safeguards and progressive approaches, to maintain that trust.

I hope this meets your requirements. Yours sincerely,

Constant Awashish
Grand Chief/President