

LA COMMISSION D'ENQUÊTE  
SUR LES RELATIONS  
ENTRE LES AUTOCHTONES  
ET CERTAINS SERVICES PUBLICS

SOUS LA PRÉSIDENCE DE  
L'HONORABLE JACQUES VIENS,  
COMMISSAIRE

AUDIENCE TENUE AU  
COMPLEXE NEOSKWESKAU  
206, MAIN STREET  
MISTISSINI (QUÉBEC)  
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**COMPARUTIONS :**

**POUR LA COMMISSION :**

**Me DONALD BOURGET**

**Me MARIE-ANDRÉE DENIS-BOILEAU**

**INTERVENANTS :**

**Me JOHN HURLEY** pour le Grand Conseil  
des Cris et le Gouvernement Cri

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1 OUVERTURE DE LA SÉANCE

2 **LA GREFFIÈRE :**

3 Commission d'enquête sur les relations entre les  
4 Autochtones et certains services publics du Québec,  
5 présidée par l'honorable Jacques Viens, est  
6 maintenant ouverte.

7 **L'HONORABLE JUGE JACQUES VIENS (LE COMMISSAIRE) :**

8 Alors good morning, bonjour. Cette dernière  
9 journée d'audience à Mistissini et avant les...  
10 bon, ce qu'on peut appeler les vacances d'été,  
11 parce qu'en juillet il y aura pas d'audiences,  
12 alors, je comprends, Me Bourget, que vous  
13 représentez la Commission ce matin?

14 **Me DONALD BOURGET,**

15 **PROCUREUR POUR LA COMMISSION :**

16 Oui.

17 **LE COMMISSAIRE :**

18 Et que vous allez nous présenter des tableaux de  
19 déclaration avant que nous procédions à des  
20 témoignages rapportés par Madame De Champlain.  
21 Ensuite nous suspendrons et nous recevons, nous  
22 avons l'honneur de recevoir le Grand Chef Abel  
23 Bosum et Monsieur Bill Namagoose ce matin pour...  
24 qui seront les derniers témoins avant la cérémonie  
25 de clôture qui aura lieu après-midi. Alors, je

1           vous laisse aller avec les déclarations, je  
2           comprends qu'on va le faire en français, ça va  
3           aller plus rapidement. Ça va?

4           **Me DONALD BOURGET :**

5           Oui, bonjour Monsieur le Commissaire, et  
6           effectivement, c'est ma collègue, Me Denis-Boileau  
7           qui va effectivement présenter les témoignages de  
8           Monsieur Bosum et Namagoose. Pour l'heure nous  
9           avons certains dépôts de documents à faire.  
10          D'abord...

11          **LE COMMISSAIRE :**

12          Allons-y.

13          **Me DONALD BOURGET :**

14          ... il y a eu des engagements qui avaient été pris  
15          par le Procureur général et engagement qui étaient  
16          respectés dont nous avons reçu les pièces en... en  
17          regard, là, de l'Engagement No. 576, donc la pièce  
18          a été déposée sous la cote P-576. Donc, engagement  
19          respecté.

20                                   **- PIÈCE COTÉE P-576 -**

21          Tout comme dans l'Engagement 577 qui devient donc  
22          la pièce P-577.

23                                   **- PIÈCE COTÉE P-577 -**

24          **Me MARIE-ANDRÉE DENIS-BOILEAU,**

25          **PROCUREURE POUR LA COMMISSION :**

1           Tout à fait.

2           **M<sup>e</sup> DONALD BOURGET :**

3           Nous avons par la suite plusieurs documents à  
4           déposer, donc qui tiendront lieu de témoignage.  
5           D'abord le Témoin #486 pour lequel nous demandons  
6           une ordonnance de huis clos.

7           **LE COMMISSAIRE :**

8           Quatre cent... on va commencer avec 481, c'est  
9           peut-être une bonne idée.

10          **M<sup>e</sup> DONALD BOURGET :**

11          Oui, excusez-moi.

12          **M<sup>e</sup> MARIE-ANDRÉE DENIS-BOILEAU :**

13          481, oui.

14          **M<sup>e</sup> DONALD BOURGET :**

15          Mes vieux yeux me jouent des tours. 481, vous avez  
16          raison, pour lequel on demande une ordonnance de  
17          huis clos qui porterait le numéro 63 en raison de  
18          sujets concernant la Protection de la jeunesse.

19          **LE COMMISSAIRE :**

20          Bon, alors considérant que la Commission entend  
21          produire une déclaration concernant un cas d'espèce  
22          relevant de l'application de la *Loi sur la*  
23          *Protection de la jeunesse* concernant... considérant  
24          aussi les dispositions des Articles 11.2, 11.2.1,  
25          82, 96 de la *Loi sur la Protection de la jeunesse*,

1           alors j'ordonne que la déclaration qui sera  
2           produite le soit en étant caviardée de façon à ne  
3           pas permettre l'identification des personnes  
4           impliquées, enfants ainsi que parties, et j'ordonne  
5           qu'il soit interdit de divulguer, de publier, de  
6           communiquer ou de diffuser toute mention qui  
7           pourrait permettre d'identifier ces personnes. Et  
8           je comprends que le caviardage a déjà été effectué?

9           **M<sup>e</sup> DONALD BOURGET :**

10           Effectivement, donc il s'agit...

11           **LE COMMISSAIRE :**

12           Par le personnel de la Commission alors je vais  
13           autoriser la production de cette pièce qui sera  
14           649, si j'ai bien compris?

15           **M<sup>e</sup> DONALD BOURGET :**

16           Dépôt de la déclaration caviardée.

17                                   - PIÈCE COTÉE P-649 -

18           **LE COMMISSAIRE :**

19           Le dépôt de la déclaration qui est déjà caviardée.  
20           Et voilà.

21           **M<sup>e</sup> DONALD BOURGET :**

22           Le deuxième témoignage déposé sous forme de  
23           déclaration porte le #482 et compte tenu de  
24           l'inconfort à témoigner publiquement devant la  
25           Commission nous demandons une protection d'identité



1           qui porterait le numéro 14 pour le dépôt de cette  
2           déclaration également caviardée.

3           **LE COMMISSAIRE :**

4           Bon, alors, considérant comme j'ai eu l'occasion de  
5           le souligner à plusieurs reprises, qu'afin de  
6           favoriser la réception de témoignages, de  
7           déclarations sous forme de témoignage qu'on peut  
8           faire à huis clos ou encore de déclaration en  
9           protégeant l'identité des personnes qui le  
10          souhaitent, alors je vais ordonner que l'identité  
11          de la personne dans le dossier Témoin #482 soit  
12          protégé. Ce sera le PI-14, protection d'identité  
13          14, et que je fais permettre que la déclaration  
14          soit produite sous pièce 650 en étant, évidemment,  
15          caviardé de façon à protéger l'identité de la  
16          personne faisant cette déclaration.

17                                   - PIÈCE COTÉE P-650 -

18          **M<sup>e</sup> DONALD BOURGET :**

19          Le prochain témoignage #483, encore là il s'agit  
20          d'une déclaration déjà caviardée avec une demande  
21          d'ordonnance de huis clos portant le numéro 64  
22          concernant, effectivement, la Protection de la  
23          jeunesse.

24          **LE COMMISSAIRE :**

25          Alors, considérant qu'il s'agit d'une matière

1           relevant de la Protection de la jeunesse, il y aura  
2           ordonnance de huis clos, 64, et je comprends que  
3           vous procédez par production de la déclaration qui  
4           a déjà été caviardée de façon à éviter  
5           l'identification des personnes impliquées, enfants,  
6           et adultes, et autres. Alors, je vais ordonner à  
7           quiconque de... je vais interdire que soit  
8           divulgué, publié, ou communiqué ou diffusé  
9           l'identité des personnes impliquées dans ce dossier  
10          huis clos 64 et permettre la production de la  
11          déclaration qui sera P-651, déclaration déjà  
12          caviardée de façon à respecter l'ordonnance.

13                                   **- PIÈCE COTÉE P-651 -**

14          **M<sup>e</sup> DONALD BOURGET :**

15           Prochain témoin, #484, avec une ordonnance de huis  
16           clos numéro 65 concernant la Protection de la  
17           jeunesse, déclaration caviardée également.

18          **LE COMMISSAIRE :**

19           Alors, pour les mêmes motifs que dans le dossier  
20           précédent, dans le dossier huis clos 65 il y aura  
21           interdiction à quiconque de divulguer, publier,  
22           communiquer, ou diffuser les... toute mention  
23           susceptible de permettre l'identification des  
24           personnes concernées par la déclaration,  
25           déclaration qui a déjà été caviardée de façon à

1 protéger les mesures dont la publication est  
2 interdite et qui sera déposée sous pièce 652.

3 - PIÈCE COTÉE P-652 -

4 **M<sup>e</sup> DONALD BOURGET :**

5 Prochain dépôt, témoin #485, effectivement donc  
6 ordonnance encore là recherchée de huis clos numéro  
7 66 concernant la Protection de la jeunesse,  
8 déclaration caviardée.

9 **LE COMMISSAIRE :**

10 Alors, encore ici, comme il s'agit d'une matière  
11 relevant de la Protection de la jeunesse et  
12 considérant les articles 11.2, 11.2.1, 82 et 96 de  
13 la *Loi sur la Protection de la jeunesse*, il y a  
14 interdiction à quiconque de divulguer, publier,  
15 communiquer ou diffuser toute mention susceptible  
16 de permettre l'identification des personnes  
17 concernées par cette déclaration qui, je comprends,  
18 a déjà été caviardée de façon à respecter  
19 l'ordonnance et qui sera maintenant produite sous  
20 pièce 653.

21 - PIÈCE COTÉE P-653 -

22 **M<sup>e</sup> DONALD BOURGET :**

23 Témoin #486 avec une ordonnance de protection  
24 d'identité numéro 15, déclaration caviardée  
25 également.

1 **LE COMMISSAIRE :**

2 Si je comprends... si je comprends bien il s'agit  
3 d'une déclaration donnée par quelqu'un qui souhaite  
4 son identification... son identité protégée?

5 **M<sup>e</sup> DONALD BOURGET :**

6 Protégée étant donné son inconfort de témoigner  
7 publiquement.

8 **LE COMMISSAIRE :**

9 Et pour les mêmes motifs soulignés précédemment, il  
10 est préférable d'avoir une déclaration en  
11 protégeant l'identité que de ne pas avoir de  
12 déclaration du tout. C'est pas mal plus utile pour  
13 nos travaux d'avoir de l'information. Alors,  
14 considérant les commentaires, j'ordonne la  
15 protection de l'identité du témoin dans le dossier  
16 486 et j'ordonne que la déclaration qui sera  
17 produite, bien, soit caviardée, et je comprends que  
18 ça a déjà été fait, de façon à protéger l'identité  
19 et que cette déclaration sera maintenant produite  
20 sous pièce 654.

21 **- PIÈCE COTÉE P-654 -**

22 **M<sup>e</sup> DONALD BOURGET :**

23 C'est bien ça, monsieur le Commissaire. Témoin  
24 #487, il s'agit de Monsieur William Amarualik, donc  
25 il y a aucun caviardage, il y a aucune ordonnance

1           recherchée, donc se serait purement et simplement  
2           un dépôt de sa déclaration comme la pièce 655.

3           **LE COMMISSAIRE :**

4           Bon, alors pour tenir lieu du témoignage de  
5           Monsieur William Amarualik, je prends note que vous  
6           produisez son... sa déclaration sous pièce 655.

7           **M<sup>e</sup> DONALD BOURGET :**

8           Intégralement.

9           **LE COMMISSAIRE :**

10          Intégralement.

11                                   - PIÈCE COTÉE P-655 -

12          **M<sup>e</sup> DONALD BOURGET :**

13          Témoign #488, protection d'identité recherchée  
14          compte tenu de l'inconfort à témoigner publiquement  
15          sous... donc une ordonnance recherchée sous PI-16,  
16          déclaration caviardée.

17          **LE COMMISSAIRE :**

18          Alors, pour les mêmes motifs que précédemment, afin  
19          de protéger l'identité du témoin dans le... du  
20          témoin dans le dossier #488 et bien il y aura  
21          interdiction de divulguer, publier, communiquer ou  
22          diffuser tout renseignement permettant d'identifier  
23          la personne dans le dossier 488. Et ce sera sous  
24          protection d'identité 16 et il y aura production de  
25          la déclaration caviardée en conséquence de

1 l'ordonnance sous pièce 656.

2 - PIÈCE COTÉE P-656 -

3 **M<sup>e</sup> DONALD BOURGET :**

4 Prochain témoin #489, Monsieur Marcel Boivin, il y  
5 a deux déclarations donc ce serait pour produire en  
6 liasse sous la cote P-657, et effectivement avec  
7 une autorisation de caviardage pour les noms de  
8 certaines personnes mentionnées dans le récit.

9 **LE COMMISSAIRE :**

10 Bon, alors considérant que... pour tenir lieu de  
11 témoignage de Monsieur Boivin, le témoin 489, il  
12 doit y avoir caviardage du nom de certaines  
13 personnes, ce qui a déjà été fait si je comprends  
14 bien?

15 **M<sup>e</sup> DONALD BOURGET :**

16 Qui a déjà été fait, la déclaration a été  
17 caviardée, effectivement.

18 **LE COMMISSAIRE :**

19 Alors, il y aura production sous pièce 657 en  
20 liasse de la déclaration ou des déclarations de  
21 Monsieur Boivin, en tenant compte de la... du  
22 caviardage des noms des personnes impliquées.

23 - PIÈCE COTÉE P-657 -

24 **M<sup>e</sup> DONALD BOURGET :**

25 Témoignage #490, concernant Protection de la

1           jeunesse donc une demande de huis clos numéro 67  
2           pour une déclaration caviardée.

3           **LE COMMISSAIRE :**

4           Bon, alors dans le dossier 490, qui viendras huis  
5           clos 67, et on parle ici de Protection de la  
6           jeunesse ce qui nous amène en vertu des mêmes  
7           articles 11.2, 11.2.1, 82 et 96 de la *Loi sur la*  
8           *Protection de la jeunesse* à ordonner d'interdire à  
9           quiconque de divulguer, publier, communiquer ou  
10          diffuser le témoignage en question et, évidemment,  
11          comme il y a lieu de produire comme pièce... sous  
12          pièce 658 le témoignage du témoin 490 dans le huis  
13          close 67, bien en tenant compte qu'ont été  
14          caviardées - et c'est déjà fait si j'ai bien  
15          compris?

16          **M<sup>e</sup> DONALD BOURGET :**

17          C'est bien ça.

18          **LE COMMISSAIRE :**

19          Qu'ont été caviardées toutes les informations  
20          susceptibles de permettre l'identification des  
21          personnes impliquées. Alors, la déclaration sera  
22          produite sous 657(sic).

23                                   - PIÈCE COTÉE P-658 -

24          **M<sup>e</sup> DONALD BOURGET :**

25          Prochain témoin, Madame Noëlla André, #491.

1 **LE COMMISSAIRE :**

2 Je disais 657, 658.

3 **M<sup>e</sup> DONALD BOURGET :**

4 Oui, excusez-moi. Vous avez raison, monsieur le  
5 Commissaire.

6 **LE COMMISSAIRE :**

7 Oui.

8 **M<sup>e</sup> DONALD BOURGET :**

9 Alors, prochain témoin Madame Noëlla André, oui, le  
10 #491, sa déclaration caviardée sous la cote P-569,  
11 caviardée pour la protection des noms de personnes  
12 mentionnées dans le récit qu'il n'est pas  
13 nécessaire, là, de divulguer.

14 **LE COMMISSAIRE :**

15 Bon, alors considérant qu'il y a lieu de caviarder  
16 le nom de certaines personnes dans le dossier 491,  
17 soumis par Madame Noëlla André, alors il y aura  
18 caviardage des personnes concernées et production  
19 de la déclaration ainsi caviardée sous pièce 659.

20 **- PIÈCE COTÉE P-659 -**

21 **M<sup>e</sup> DONALD BOURGET :**

22 Témoin #492, avec protection d'identité numéro 17,  
23 pour les mêmes raisons d'inconfort, et production  
24 en liasse, là, de déclarations caviardées.

25 **LE COMMISSAIRE :**



1           Bon, alors dans le dossier 492, il est question de  
2           protection d'identité pour des raisons d'inconfort  
3           du témoin, ce à quoi je vais faire droit, alors je  
4           vais ordonner, interdire à quiconque de divulguer,  
5           publier, communiquer ou diffuser toute mention  
6           permettant d'identifier le témoin dans le dossier  
7           492 et ce sera protection d'identité 17. Et  
8           ensuite production avec les caviardages appropriés  
9           afin de préserver l'identité du témoin en fonction  
10          de l'ordonnance déjà rendue. Alors, la déclaration  
11          sera produite sous pièce 660.

12                                   - PIÈCE COTÉE P-660 -

13          **M<sup>e</sup> DONALD BOURGET :**

14           Monsieur Jimmy Etapp, témoin #493, dont la  
15           déclaration intégrale est déposée sous la cote  
16           P-661.

17          **LE COMMISSAIRE :**

18           Bon, alors déclaration sous 661.

19                                   - PIÈCE COTÉE P-661 -

20          **M<sup>e</sup> DONALD BOURGET :**

21           Et enfin dernier dépôt, le témoin #494, Nelly  
22           Wapachi, documents déposés en liasse sous la cote  
23           P-662 caviardées pour effectivement la protection  
24           des noms des personnes mentionnées dans le récit.

25          **LE COMMISSAIRE :**



1                   a récolté.

2           **M<sup>e</sup> DONALD BOURGET :**

3                   C'est ça.

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1 Mme Michelle De Champlain  
2 Témoin rapporteur  
3 Affirmation solennelle

4 -----

5 **LE COMMISSAIRE :**

6 Bon, alors j'ai compris que vous demandiez la  
7 protection d'identité du témoin, donc Madame De  
8 Champlain va rapporter maintenant le témoignage.

9 **M<sup>e</sup> DONALD BOURGET :**

10 Oui, et c'est effectivement la raison pour laquelle  
11 il s'agit d'un témoignage rapporté (inaudible).

12 **LE COMMISSAIRE :**

13 Alors, ce sera sous PI... vous êtes à PI...

14 **M<sup>e</sup> MARIE-ANDRÉE DENIS-BOILEAU :**

15 18.

16 **LE COMMISSAIRE :**

17 18. Alors, j'ordonne à quiconque de... c'est-à-  
18 dire j'interdis à quiconque de publier, diffuser,  
19 ou autrement répandre l'identité du témoin dans le  
20 dossier que nous rapportera Madame De Champlain.  
21 Alors, nous écoutons.

22 **Mrs. MICHELLE DE CHAMPLAIN :**

23 Well, thank you, I'm working as an investigator  
24 agent for this Inquiry Commission and I met the  
25 person directly and I recorded her sharing.

1 "I took my daughter many times to the  
2 clinic here in Wemindji. In two thousand  
3 eleven (2011) my daughter has respiratory  
4 problems, the day she was transported to  
5 Medevac in Chisasibi and Montreal I took  
6 her in the morning at the clinic here in  
7 Wemindji to make sure that nothing was  
8 wrong with her health but the clinic sent  
9 her back home.

10 I didn't trust that decision because  
11 I didn't think that she was well. Her  
12 mouth started to turn blue so I called  
13 the clinic right away and they told me to  
14 bring her back. So I brought her to the  
15 clinic and we waited for a while.  
16 Finally, the doctor decided to send us to  
17 the Chisasibi Hospital.

18 We arrived in the evening and the  
19 medical workers took her immediately.  
20 The doctor gave her a lot of medication,  
21 like puffers, every half an hour or less.  
22 The next day one doctor analyzed her x-  
23 ray picture and he said that he wasn't  
24 seeing anything and told me that he  
25 wanted the opinion of another doctor.

1                   Finally, they told me that she had a  
2 pneumonia. When we arrived at the  
3 Chisasibi Hospital I'm not sure it was...  
4 if it was a doctor or a nurse but they  
5 treated my daughter like someone who  
6 stopped breathing. They didn't tell me  
7 but I knew it was and I was scared. I  
8 asked myself if I was losing my daughter.  
9 I thought I was having a panic attack but  
10 I just calmed myself. I wanted to  
11 believe that she was okay even if she was  
12 in a critical condition.

13                   Question: Did somebody at the  
14 hospital give you support at that time?  
15 The answer was no. We left the Chisasibi  
16 Hospital by Medevac at midnight for the  
17 Montreal Children's Hospital. They said  
18 that my daughter needed a certain kind of  
19 medication that was available in  
20 Montreal.

21                   I was not with her in the plane  
22 because they didn't want to. For sure I  
23 didn't like it but at that point I just  
24 wanted to trust the doctors so I took a  
25 different Medevac plane.

1           I arrived first in Montreal awaiting  
2           for her for about one hour at the  
3           hospital before she arrived around two  
4           a.m. (2:00 a.m.). There was around three  
5           doctors and one of them was saying that  
6           he didn't know how to make her better.  
7           Then again I got scared.

8           The doctor from Montreal asked me  
9           more  
10          than once if I took my daughter to the  
11          clinic in Wemindji and I told them yes,  
12          and more than one time. I went to the  
13          clinic two days before the Medevac.

14          Question: Do you know why the  
15          doctor asked you that question more than  
16          once? Answer: Maybe because they didn't  
17          believe me when I told them that I  
18          brought my daughter to the clinic. I  
19          felt like I didn't trust... they didn't  
20          trust me and that I couldn't take care of  
21          my daughter. Question: The first time  
22          you went to the clinic in Wemindji, what  
23          did they told(tell) you? The answer: A  
24          doctor told me that she was fine and she  
25          sent me home.

1                   My daughter stayed ten days at the  
2                   Montreal Children's Hospital and I stayed  
3                   with her all the time. Even during those  
4                   days the doctors kept asking me if I  
5                   brought my daughter to the clinic. It  
6                   felt like I was neglecting her. I think  
7                   the clinic in Wemindji should report  
8                   every visit that we make.

9                   There was another situation with my  
10                  other daughter, I cancelled two visits to  
11                  the Montreal Children's Hospital, one  
12                  because of sickness and the other visit  
13                  was cancelled because we were on the  
14                  transportation list. The nurse called me  
15                  and say, you know, your daughter missed  
16                  too much appointments here in Montreal,  
17                  if you don't come now I'm going to call  
18                  the Youth Protection. I think the nurse  
19                  didn't know the reason why I didn't go.  
20                  I was really mad.

21                  Question: What is your opinion  
22                  about the clinic in Wemindji? The  
23                  answer: I think they are sloppy. In  
24                  Wemindji when somebody is sick, people  
25                  talk to each other in details about their



1 physical condition and what's going on in  
2 their body. I hear a lot of symptoms  
3 about people so by curiosity I go on  
4 Internet... I go on the Internet to know  
5 more about the symptoms and there's a lot  
6 of information. I think that the clinic  
7 staff don't really search further and  
8 don't take the time to take care of  
9 people here. They don't even give good  
10 medication to patients.

11 I know that some clients don't go  
12 back because they don't... sorry, they  
13 know that the staff will tell them to  
14 take Tylenol and send them back home.  
15 That's what people are complaining about.  
16 The nurse does not understand why the  
17 clients don't come back. And I heard one  
18 nurse swear against a client because he  
19 didn't show up. Maybe it could be  
20 frustrating for them because they don't  
21 do a good job.

22 Question: Do you think that the  
23 nurses have experience? Answer: No.  
24 Mostly from what I know they just  
25 finished college and university, they are

1 very young. We have doctors at the  
2 clinic, some get sometimes frustrated.  
3 One that we had was very nice and very  
4 informative but after a while she was  
5 bitter.

6 Question: Do you think they  
7 understand the culture? The answer was:  
8 No, they don't understand us. Some Crees  
9 are embarrassed or uncomfortable to talk  
10 in English. I was like that before. We  
11 don't always say please or thank you all  
12 the time, and it's not because we're not  
13 polite, it's not bad manners, it's just  
14 the way we are, and I don't think that  
15 they understand that. They should not  
16 take it personally, they should know  
17 better about us before coming to work in  
18 our community.

19 There is another situation that I  
20 wanted to share regarding my other  
21 daughter. In April or May two thousand  
22 twelve (2012) she was at her aunt and I  
23 receive a call from her around ten  
24 (10:00) p.m., ten o'clock p.m. to let me  
25 know that she had fever. So I asked her

1 to give her Advil and see the result.  
2 She brought my daughter home at one  
3 (1:00) a.m. because she still had a fever  
4 so I gave her Advil.

5 I called the nurse at the clinic and  
6 told her that my daughter had fever and  
7 was crying every time she was waking up.  
8 The aunt and I had miscommunication about  
9 the Advil so my daughter took two Advil  
10 in two hours. I told the nurse that too.  
11 I was worried. I even said to her that  
12 maybe it was her appendix. The nurse  
13 proposed I let her sleep until the  
14 morning.

15 Next day in the morning, at nine  
16 (9:00), I brought my daughter at the  
17 clinic and they sent her to Val d'Or by  
18 Medevac. She had appendicitis and it was  
19 really infected. Sometimes I feel that  
20 they just don't believe us when we say  
21 that our child is sick.

22 Question: Does the clinic have a  
23 doctor at night? The answer was: Not  
24 all the time but they always have the  
25 option to call one. Question: How did

1                   they treat you at the        Val d'Or  
2                   Hospital? The answer: The nurse  
3                   insisted that I force my daughter to eat  
4                   but she was vomiting everything that she  
5                   consumed, even water, but they kept...  
6                   insisted and they told me that I should  
7                   have been... sorry, that she should have  
8                   been better by now.

9                   One of the nurses asked me if I  
10                  wanted to talk to the doctor but when I  
11                  ask him questions he was mad at me. I  
12                  don't know he was like that. I felt that  
13                  I was disturbing him but in the meantime  
14                  I was worried for my daughter. The  
15                  doctor told me at that moment that my  
16                  daughter was really infected. He never  
17                  took the time to tell me that before. I  
18                  felt that I was ignored.

19                 Today my daughter is doing well but  
20                 sometimes she's complaining that she had  
21                 pain in her stomach. The doctor told me  
22                 that if she has pain I have to bring her  
23                 to the clinic. That is what I'm doing  
24                 but they don't do anything. They don't  
25                 take the blood pressure or anything.

1                   Question: What will be your  
2                   recommendation to improve the health  
3                   services for the indigenous people?

4                   Answer: It seems that sometimes the non-  
5                   natives get frustrated. At first they  
6                   are happy to be in our community and  
7                   hoping to learn about us, but after a  
8                   while they get frustrated.

9                   We are happy to welcome everybody  
10                  and receive new people. The staff should  
11                  not take personally our manners and learn  
12                  better about our culture and how we are.  
13                  I remember one nurse who brought... one  
14                  of the native patients didn't want to  
15                  talk to her but I was... but it was just  
16                  because the patient... that patient was  
17                  not comfortable.

18                  Sometimes the patients don't know  
19                  what to say to the nurse or doctor and  
20                  the professional should know how to ask  
21                  more questions. It happened to me  
22                  before, I didn't really know what to say  
23                  so they should ask more questions to us  
24                  and be more informative.

25                  The clinic staff should trust more

1 the parents when they say that their  
2 child is sick. It often happens when...  
3 that they send them home and the health  
4 of the child is getting worse. The  
5 patient... no, sorry, the parents are  
6 complaining about the fact that the staff  
7 doesn't listen to them and looks like  
8 they don't... they just don't trust what  
9 they say.

10 Also, as a parent we need to be able  
11 to be in the transportation Medevac with  
12 our child. They need us to be around.  
13 The mother knows what her child needs so  
14 it's important.

15 My son and I were in North Bay and  
16 he had a cold. I was watching him  
17 closely because he wasn't getting better.  
18 I went to the clinic in North Bay, then  
19 they sent us home but I took him back the  
20 next day because he was getting worse.  
21 The doctor knew right away that my son  
22 was developing pneumonia, they gave him  
23 antibiotics and they asked us to come  
24 back in the morning to make sure that he  
25 was alright. My son never developed

1 anything after that.

2 I think that the clinic in our  
3 community should learn from the clinic in  
4 North Bay and be more aware."

5 **M<sup>e</sup> DONALD BOURGET :**

6 Thank you. It's witness #495 and... okay, so you  
7 go on with the next one.

8 **THE COMMISSIONER :**

9 Yes.

10 **M<sup>e</sup> DONALD BOURGET :**

11 The next testimony is... will be reported by the  
12 investigator agent, Mrs. Michelle De Champlain  
13 again, with an order for the protection of the  
14 witness's identity. Just note that the... that's a  
15 story but three members of the family participated  
16 to the... the story itself and they are  
17 uncomfortable to testify publicly.

18 **THE COMMISSIONER :**

19 Okay.

20 **M<sup>e</sup> DONALD BOURGET :**

21 And that's concerning the way their mother was  
22 treated at the Val d'Or Hospital.

23

24

25

1       **THE COMMISSIONER :**

2           Okay. So we'll have an order to protect the  
3           identity of the person... persons giving the  
4           declaration. It will be protection of identity  
5           number...

6       **M<sup>e</sup> DONALD BOURGET :**

7           It's not youth protection it's protection of  
8           identity 19, 20 and 21.

9       **THE COMMISSIONER :**

10          19... okay.

11       **M<sup>e</sup> DONALD BOURGET :**

12          And witnesses #496, 497 and 498.

13       **THE COMMISSIONER :**

14          And it will be under the same oath for Madame De  
15          Champlain.

16       **Mrs. MICHELLE DE CHAMPLAIN :**

17          Okay. So like Me Bourget said, I met three  
18          persons, they were all related, there was a Mom,  
19          her daughter, and the sister of the Mom that we  
20          call the aunt in this... this declaration. Mostly  
21          it was the daughter who talked, who shared the  
22          story, there's a part where the aunt shared her  
23          experience so I will specify whose talking.

24       **THE COMMISSIONER :**

25          I'm listening to you.



1       **Mrs. MICHELLE DE CHAMPLAIN :**

2               Thank you. So the daughter said:

3                       "It happened around end of August, early  
4                       September two thousand fourteen (2014),  
5                       my mother had told me a couple of days  
6                       before that she was not feeling well but  
7                       we thought it was something kind of  
8                       natural. And then one day I went to the  
9                       house, she was just in so much pain that  
10                      she was literally rolling around on the  
11                      floor. I said we've got to go to the  
12                      clinic.

13                      She was very well treated here at  
14                      the clinic, I think it happened mostly in  
15                      Val d'Or where she had to be transferred.  
16                      The plane didn't leave after midnight or  
17                      so. I got a call from my aunt in the  
18                      middle of the night, she accompanied my  
19                      mother, she told me that... she told me  
20                      they wouldn't treat my Mom because she  
21                      didn't have a valid health card. They  
22                      were expecting us to pay before treating  
23                      her. I told my aunt that it shouldn't be  
24                      an issue and I just reassured her that  
25                      I'll pay and that they could contact me

1 about the payment.

2 At the Emergency in Val d'Or my  
3 cousin was there, the waiting was long  
4 because the Admission wanted to make sure  
5 that they were going to get paid so they  
6 didn't treat her right away."

7 This part is the aunt who's talking.

8 "The first male doctor who saw my  
9 sister asked her if she has been shot  
10 because she had a pellet in her stomach.  
11 He didn't care, like it didn't matter.  
12 Then a woman doctor came and she said I  
13 understand why that pellet was there. We  
14 eat wild meat and sometimes there can be  
15 some pellet piece in the meat.

16 The woman doctor was very helpful in  
17 understanding. She took the time to  
18 explain that she had to cut in each of  
19 her intestine because it was twisted.  
20 She operate right away.

21 About the Cree patient services they  
22 were okay but we were expecting more,  
23 like I expected them to pick up... to  
24 pick me up to go to the hospital and we  
25 had to take taxis."

1 And the last part it's the daughter who  
2 is talking.

3 "I paid seven thousand (7,000) for  
4 the treatment. The (inaudible) from  
5 Wemindji to Val d'Or was covered by the  
6 Cree Health Board so it was the duration  
7 of her stay in the hospital plus the  
8 surgery that I paid. We received the  
9 letter from the hospital after but the  
10 information was all in French, I had to  
11 request the information in Cree or in  
12 English.

13 We had to fill an application and  
14 write a letter to the Régie de  
15 l'assurance-maladie du Québec, the RAMQ,  
16 to explain the situation on January two  
17 thousand fifteen (2015). I had all the  
18 information in the invoice from the  
19 hospital and what I needed to do. The  
20 delay for the refund was good, I was  
21 actually surprised that it take too long,  
22 about six months.

23 So I don't think there's any concern  
24 about the treatment that my mother  
25 received, it was more about the approach

1                   that we initially got they're asking us  
2                   to pay right away before being treated  
3                   and the attitude of the first doctor.

4                   There wasn't any complaints  
5                   submitting... submitted about the  
6                   situation. Question: Do you have any  
7                   recommendation? The answer: It will be  
8                   the culture, the culture awareness. The  
9                   second doctor was very understanding, she  
10                  knew a little bit about First Native, how  
11                  they live, that people could eat wild  
12                  meat with pellets and that it's not  
13                  anybody's fault, that sometimes they just  
14                  don't understand."

15                **THE COMMISSIONER :**

16                    Thank you.

17                **M<sup>e</sup> DONALD BOURGET :**

18                    Thank you.

19                **THE COMMISSIONER :**

20                    So I understand it concludes reported declarations  
21                    for this morning?

22                **M<sup>e</sup> DONALD BOURGET :**

23                    This is it for this morning and...

24                **THE COMMISSIONER :**

25                    You don't have any documents, anymore documents to

1 file?

2 **M<sup>e</sup> DONALD BOURGET :**

3 No.

4 **THE COMMISSIONER :**

5 No.

6 **M<sup>e</sup> DONALD BOURGET :**

7 It's all for me.

8 **THE COMMISSIONER :**

9 So we'll suspend till before receiving the next  
10 witness, the Grand Chief, Abel Bosum, and Bill  
11 Namagoose, Executive Director.

12 **M<sup>e</sup> DONALD BOURGET :**

13 Very interesting testimonies to come.

14 **THE COMMISSIONER :**

15 Yes, they will be the last witnesses during these  
16 hearings in Mistissini. So now we'll suspend.

17 **M<sup>e</sup> DONALD BOURGET :**

18 Thank you, Mr. Commissioner.

19 **LA GREFFIÈRE-AUDIENCIÈRE :**

20 La Commission suspend.

21 SUSPENSION

22 -----

23 REPRISE

24 **LA GREFFIÈRE-AUDIENCIÈRE :**

25 La Commission reprend ses audiences.

1       **LE COMMISSAIRE :**

2               So welcome back, Me Denis-Boileau, I understand you  
3               will present the next witnesses?

4       **M<sup>e</sup> MARIE-ANDRÉE DENIS-BOILEAU :**

5               Yes. So as you already understood, I took the  
6               place of Me Bourget for this morning and this  
7               afternoon as well. So this morning and this  
8               afternoon we will be hearing from Grand Chef Abel  
9               Bosum, the Grand Chief of the Grand Council of the  
10              Crees of Eeyou Istchee. We will also be hearing  
11              this afternoon from Mr. Bill Namagoose, the  
12              Executive Director of the Cree Nation Government  
13              and of the Grand Council of the Crees of Eeyou  
14              Istchee, and they are with Me John Hurley, partner  
15              at the firm Gowling WLJ, and also lawyer for the  
16              Grand Council of the Crees and the Cree Nation  
17              Government.

18              We can first assess the witnesses. Of course,  
19              Me Hurley will be testifying on his oath of office.

20       **THE COMMISSIONER :**

21              Um-hum.

22

23

24

25

1 Dr. Abel Bosum  
2 Grand Chief of the  
3 Council of the Crees (Eeyou Istchee)  
4 Solemn affirmation

5 -----

6 **THE COMMISSIONER :**

7 So Grand Chief Bosum, Mr. Namagoose and Me Hurley,  
8 we are honored to receive you this morning at the  
9 Inquiry Commission. We'll listen to you with great  
10 care. We need to hear what you have to say to help  
11 us helping you later. So Me Denis-Boileau...

12 **M<sup>e</sup> MARIE-ANDRÉE DENIS-BOILEAU :**

13 Thank you, Mr. Commissioner.

14 **THE COMMISSIONER :**

15 ... we're going with the witnesses.

16 **M<sup>e</sup> MARIE-ANDRÉE DENIS-BOILEAU :**

17 Yes. So I will make just a very brief introduction  
18 of what Mr. Bosum and Mr. Namagoose will be  
19 presenting. So this morning Grand Chief Bosum will  
20 address some broad orientations on certain  
21 structural issues, as well as some specific sectors  
22 that are under the scrutiny of this Inquiry.

23 After that we'll take a break for lunch and  
24 this afternoon we will come back with Mr. Bill  
25 Namagoose who will make a presentation on the key

1 milestones of the... in the history of the Cree  
2 people of Eeyou Istchee and specifically in matters  
3 of self-government and self-determination.  
4 Grand Chief Bosum, I'm inviting you to make us your  
5 presentation.

6 **GRAND CHIEF DR. ABEL BOSUM**  
7 **OF THE COUNCIL OF THE CREES (EEYOU ISTCHEE) :**

8 *(INTERPRETER: Thank you. I'm really thankful to be*  
9 *here to talk to you.)*

10 Commissioner Viens, on behalf of the Cree  
11 Nation of Eeyou Istchee I wish to express our  
12 sincere appreciations to you and your colleagues in  
13 this Public Inquiry Commission, for your presence  
14 here in Mistissini over the past two weeks. And if  
15 you will allow me I would like to make just a  
16 summary in my language of the presentation that I  
17 will be making this morning.

18 **THE COMMISSIONER :**

19 I'll be glad and we have a translator to help me  
20 understand what you'll say in Cree.

21 **GRAND CHIEF DR. ABEL BOSUM :**

22 *(INTERPRETER: Thank you, Commissioner Viens.*  
23 *First of all, I will be speaking of... I want to*  
24 *touch on some stuff that are essential to this*  
25 *inquiry. This is not the first time we're here,*



1           *mistreatment to the indigenous there's a lot*  
2           *happening in Canada, there's the National Inquiry,*  
3           *there's a provincial inquiry, and there are some*  
4           *stories, many stories we've heard, a lot have been*  
5           *made on paper, to look for a solution, to look for*  
6           *solutions for.. for the future. That's what I want*  
7           *to touch on first. What findings we have and how*  
8           *we understand other people and how they want to*  
9           *approach or how they submitted their*  
10          *recommendations.*

11                 *Here us Crees we have the James Bay Agreement*  
12                 *that helped us to flourish our communities, a lot*  
13                 *of that has helped us but there is still more to be*  
14                 *done and we know there's... there are some of our*  
15                 *people that are unfortunate that have to leave to*  
16                 *the south and it seems like we've lost them and*  
17                 *sometimes they go through other stuff over there*  
18                 *that they go through and these are things that are*  
19                 *important.*

20                 *Sometimes we... we have relatives that have*  
21                 *moved and cannot come back home and that's really*  
22                 *unfortunate. But it's good to have these*  
23                 *discussions, to invite people to come and speak, to*  
24                 *look for solutions for the future.*

25                 *This is what I want to touch on. Some of these*

1           *things are policing, what's the difference between*  
2           *non-Cree policing and Cree policing, as we know*  
3           *they're not the same. And also housing, that's*  
4           *what we're lacking, and it shows. And it's not*  
5           *just us here it's all over Canada that... that's*  
6           *lacking in housing. That's how social problems are*  
7           *created.*

8                     *Also the social... not social but economical*  
9           *development and education. And I also want to*  
10          *include the Cree hunters and the Cree culture. And*  
11          *I also want to tell Commissioner Viens that we are*  
12          *coming back in the fall and this is where we will*  
13          *give more information and recommendations and this*  
14          *is what I will touch on. Thank you.)*

15                    So over the past months the Commission has  
16          received a vast amount of evidence from a dozen of  
17          witnesses, including more than six hundred (600)  
18          Exhibits. We will be reviewing this material  
19          carefully over the coming months in order to submit  
20          a detailed brief and specific representation to the  
21          Commission this fall.

22                    My colleague, Bill Namagoose will provide you  
23          in his presentation with the Cree prospective on  
24          our Treaty, the James Bay and Northern Quebec  
25          Agreement, and the evolution of Cree governance

1 since nineteen seventy-five (1975).

2 My comments will address some broad  
3 orientation... orientations on certain structural  
4 issues, as well as some specific sectors.

5 The Cree approach has historically been  
6 oriented towards problem solving and proposing  
7 solutions. This approach has served the Cree  
8 Nation well over the past forty (40) years. It is  
9 the approach that we intend to follow with the  
10 Commission as we work together to identify what  
11 Donald Nicholls, our Director of Justice and  
12 Correctional Services has called "a path forward",  
13 or what the Truth and Reconciliation Commission has  
14 called "calls to action".

15 I'm going to begin with the orientations.  
16 Taking the indigenous nations seriously. You will  
17 note in Mr. Namagoose's presentation a slide  
18 entitled "The Cree National Taken Seriously". Over  
19 the past fifty (50) years, much of the struggle of  
20 the Cree Nation has been simply to be taken  
21 seriously. That means being recognized as an  
22 autonomous indigenous nation with our own  
23 responsible government, our own institutions, our  
24 own needs, our own laws, as discussed by Paul John  
25 Murdoch on June eighth (8<sup>th</sup>), our own culture, and

1           our own ways of doing things.

2           Taking indigenous people seriously means  
3           treating us as adults. Simple to say but  
4           apparently hard to do for some non-indigenous  
5           institutions.

6           Many of the problems that we are wrestling  
7           with today come from a long history of treating  
8           indigenous people like irresponsible children,  
9           wards of the State who don't know what's good for  
10          them. That led to racist experiments, like the  
11          residential schools, breaking the bonds of family  
12          across the entire generation of indigenous  
13          communities.

14          Our people are still living with legacies  
15          today decades later. Many of the issues being  
16          addressed by the Commission stem directly from this  
17          experience.

18          If the Cree experience shows anything it is  
19          that after a shock... after the shock of the James  
20          Bay project, Cree life began to improve when we  
21          brought governments to take us seriously. That is  
22          what we mean by "nation to nation relationship".  
23          One based on the respect due to equal adult  
24          partners, not the paternalism shown to wayward  
25          children.

1           Treating people with respect builds their  
2           self-respect, a vital ingredient in addressing the  
3           issues before the Commission.

4           Breaking down silos, an integrated approach.  
5           Professors Céline Bellot and Marie-Ève Sylvestre of  
6           the "Observatoire sur les profilages" made it clear  
7           in their December twenty sixteen (2016) report that  
8           a lack of coordination between services is  
9           hindering an effective response to the needs of  
10          indigenous people in urban centres like Val d'Or.  
11          In point 4, and I quote, she writes:

12                   "Generally speaking, social and health  
13                   services are insufficient and not enough  
14                   consolidated to respond to the high and  
15                   complex social needs of the population of  
16                   Val d'Or. Although the situation has  
17                   improved since October 2015 there is a  
18                   lack of coordination and a linkage  
19                   between the different social services and  
20                   intervention sectors. Social actors  
21                   appear to be responding to the most  
22                   urgent needs repeatedly, running the risk  
23                   of conditions and social problems  
24                   becoming chronic."

25          And I added some emphasis there. Professor

1 Bellot and Sylvestre therefore recommended an  
2 integrated approach in responding to the needs of  
3 the homeless indigenous persons in our cities.

4 "Community resources should be better  
5 coordinated with both to respond to the  
6 emergency situation, as well as long-term  
7 social needs. Such resources must be  
8 adapted to indigenous people in  
9 accordance with their culture and legal  
10 traditions. These services should  
11 include mental health services, harm  
12 reduction program in the case of alcohol,  
13 as well as specific programs for  
14 vulnerable women."

15 Emphasis added again. The Cree Nation  
16 Government supports this integrated approach, as  
17 pointed out in the brief last September. Our  
18 Department of Justice and Correctional Services is  
19 collaborating with the Cree Health Board and Social  
20 Services in the construction and operation of two  
21 women's shelters. Operations at Robin's Nest in  
22 Waswanipi were inaugurated last September while  
23 construction of the women's shelter in Waskaganish  
24 is being completed this year.

25 We are also partnering with the Cree Health

1 Board for the construction and operation of a youth  
2 facility here in Mistissini for detention,  
3 training, rehabilitation, prevention and engagement  
4 of Cree youth. We are working with the Cree School  
5 Board in providing educational and cultural  
6 activities for youth at risk.

7 We found that this cross sector approach is not  
8 just helpful but essential in addressing some of  
9 the challenges under the consideration by this  
10 Commission.

11 The Government of Quebec appears to favour a  
12 similar coordinated approach. In June twenty-  
13 eighth (28<sup>th</sup>), twenty seventeen (2017), the  
14 Government of Quebec released the "Do More Do  
15 Better" government action plan for social and  
16 cultural development where the First Nations and  
17 Inuit for years two thousand seventeen (2017) to  
18 two thousand twenty-two (2022). You call the  
19 "Action Plan".

20 In it Quebec indicates that it intends for the  
21 first time to consolidate the services and programs  
22 offered by its various departments to or for  
23 indigenous communities.

24 We can only support the principle of such an  
25 integrated approach, at the same time we must note

1           our concern with an apparent preoccupation with  
2           constitutional issues.

3           The Action Plan states that it must take into  
4           account the constitutional framework under which  
5           Canada has primary responsibility for community  
6           services on reserve, this situation, according to  
7           the Action Plan, imposes objective limits on  
8           Quebec's intervention due to its limited  
9           jurisdiction and resources.

10          The consultation document for the Action Plan  
11          initiative was released in January two thousand  
12          seventeen (2017). It also discusses the provisions  
13          of public services to indigenous peoples in terms  
14          of special legal context - bracket - and here I  
15          quote:

16                        "Secondly, the Action Plan must be  
17                        established in compliance and  
18                        complementary with federal and provincial  
19                        powers. With regard to the services such  
20                        as health, education, employment,  
21                        housing, et cetera, the provincial  
22                        government becomes responsible once the  
23                        applicant is no longer living on the  
24                        reserve recognized under the Indian Act.  
25                        The Government of Quebec recognizes that



1           adapting its responses to the needs of  
2           this growing client group, whose singular  
3           cultural trades place it amongst  
4           society's most vulnerable members, calls  
5           for the right tool."

6           Emphasis added. This passage explicitly  
7           states that Quebec's responsibility for services,  
8           such as health, education, employment and housing,  
9           et cetera, to indigenous persons starts when they  
10          stop living on reserve.

11          It asserts that the responsibility for such  
12          services in the communities lies primarily with the  
13          federal government limiting Quebec's capacity to  
14          act. This focus on jurisdictional issues hinders  
15          achieving the Action Plan's state... the state  
16          object about improving living conditions for  
17          indigenous populations and improving access to  
18          Quebec's public service.

19          We must take issue with this point of view.  
20          Our Treaty, the James Bay and Northern Quebec  
21          Agreement, shows that constitutional concerns need  
22          not stand in the way of effective service  
23          integration. Under the James Bay and Northern  
24          Quebec Agreement, the Cree work with both Quebec  
25          and Canada as partners in ensuring health and

1 social services, education, police, justice, and  
2 community, and economic development in Cree  
3 communities.

4 There is no reason why the same comprehensive  
5 approach cannot be taken in other indigenous  
6 communities in Quebec. We must break down silos,  
7 whether administrative or judicial, in order to  
8 offer effective service to indigenous peoples, not  
9 retreat behind constitutional walls.

10 In the case of the Jordan's Principle, there  
11 was a denial of services, a form of discrimination,  
12 in our view to deny services based on  
13 constitutional or jurisdictional issues amounts, in  
14 practice, to discrimination against the indigenous  
15 peoples. Jordan's Principle supports this view and  
16 offers a path forward.

17 The First Nations child and family caring  
18 society summarizes Jordan's Principles like this.  
19 Jordan's Principle is a child first principle named  
20 in the memory of Jordan River Anderson, First  
21 Nations child from Norway House, Cree Nation, in  
22 Manitoba, born with complex medical needs.

23 Jordan spent more than two years unnecessarily  
24 in a hospital while the Province of Manitoba and  
25 the federal government argued over who should pay

1           for his home care. Jordan... Jordan died in the  
2           hospital at the age of five years old, never having  
3           spent a day in his family home.

4           Jordan's Principle aims to make sure First  
5           Nations children can access all public services in  
6           a way that is reflective of their distinctive  
7           cultural needs, takes full account of the  
8           historical disadvantage linked to colonization and  
9           without experiencing any services denials, delays  
10          or disruptions because they are First Nation.

11          Payment disputes within and between federal and  
12          provincial governments over services for First  
13          Nations children are not uncommon. First Nation  
14          children are frequently left waiting for services  
15          they desperately need and are denied services that  
16          are available to other children.

17          This includes services in education, health,  
18          child care, recreation, and culture and language.  
19          Jordan's Principle calls on the governments to...  
20          the governments of the first contact to pay the  
21          services and to seek reimbursement later so that  
22          the child does not get *inextricably(?)* caught up in  
23          the middle of government red tape.

24          The Canadian Human Rights Tribunal has issued a  
25          series of orders requiring Canada to apply the

1 Jordan's Principle to all First Nations children  
2 living on and off reserve. The Caring Society has  
3 prepared a summary of the Tribunal's non-compliance  
4 orders issued to Canada. The summary states, in  
5 part:

6 "As of May 26, 2017, Canada will start  
7 using a definition based on the following  
8 principles:

- 9 1) Jordan's Principle applies equally  
10 to all First Nations children, both  
11 on and off reserve and is not  
12 limited to First Nations children  
13 with disability or short-term issues  
14 creating a critical need for health  
15 and social supports;
- 16 2) Jordan's Principle applies to all  
17 government services and ensures that  
18 there is no gap in government  
19 services to First Nations children;
- 20 3) Government departments of first  
21 contact will pay for the service to  
22 the First Nation child without  
23 engaging in administrative  
24 procedures before funding is  
25 provided;

1                                   4)    a judicial dispute between  
2    departments or between government is  
3    not a necessary requirement for the  
4    application of Jordan's Principle;

5                                   Jordan's Principle, we suggest, should be  
6                                   adapted for application not just to services for  
7                                   indigenous children but to all services for all  
8                                   indigenous persons, whatever their age, wherever  
9                                   they live, on or off reserve.

10                                  The point of Jordan's Principle is that  
11                                  judicial issues cannot be allowed to result in the  
12                                  denial of essential services to First Nation  
13                                  people, whatever their age and wherever they live,  
14                                  on or off reserve.

15                                  We recommend that all interest governments,  
16                                  indigenous, federal, provincial, work together to  
17                                  apply Jordan's Principle so as to provide effective  
18                                  integrated services for all indigenous people  
19                                  without regard of their residence, on or off  
20                                  reserve.

21                                  Learning from others. Learning from others may  
22                                  seem an obvious point but it is worth stating  
23                                  anyway. Part of the purpose of this Commission of  
24                                  Inquiry is to gather evidence, not just of problems  
25                                  but solutions.

1           Many of the issues of discrimination towards  
2           indigenous people in Quebec have been experienced  
3           elsewhere in Canada, so in our search for solutions  
4           we do not need to re-invent the wheel, we can learn  
5           from the experience of others across Canada and be  
6           guided by best practices in preventing and  
7           eliminating discrimination in the delivery of  
8           public services to indigenous people.

9           More than that, we can help to develop best  
10          practices ourselves and so become active agents of  
11          change.

12          Let me turn now to some specific sectors. I  
13          will not attempt to present a wrap-up of issues and  
14          recommendations at this time, that will be the  
15          object of our final brief in October. For now I  
16          will touch on just a few sectors and offer a few  
17          observations on path... a possible path forward.

18          In its press release in December fourteen (14),  
19          two thousand seventeen (2017), the Commission  
20          identified key things from the hearings over the  
21          past... from the previous six months, and I quote  
22          here:

23                        "Some major themes have emerged from the  
24                        two thousand seventeen (2017) hearings.  
25                        The importance of education and training

1                   have been underlined by many.  
2                   Homelessness conditions, women's rights,  
3                   youth protection, cultural safety and  
4                   problems related to language have also  
5                   emerged from the testimonies. Finally, a  
6                   lack of resources have been reported at  
7                   many levels, particularly in housing,  
8                   health, police, justice, and correctional  
9                   services, to name a few."

10                   In the area of policing, I will start with the  
11                   police services, it will help us remember why we  
12                   are here. This Commission of Inquiry was  
13                   established in response to a very specific problem,  
14                   the allegation by some courageous indigenous women  
15                   of discrimination and mistreatment at the hands of  
16                   certain police officers. A quick recap of the  
17                   facts will be helpful here.

18                   In October two thousand fifteen (2015), Radio  
19                   Canada Enquête reported on a number of specific  
20                   allegations by indigenous women of serious  
21                   misconduct and possible criminal offences by  
22                   certain officers of the Sûreté du Québec, Val d'Or  
23                   detachment, including starlight tours, physical  
24                   assaults, provision of illegal drugs, and obtaining  
25                   sexual services for consideration.

1           From the day of the Enquête broadcast, calls  
2           arose from indigenous communities for an  
3           independent inquiry. Instead, at first Quebec  
4           transferred the investigation into... into the  
5           allegations from the SQ to the Montreal police  
6           force, the SPVM.

7           The government also appointed an independent  
8           observer, Madame Fanny Lafontaine, to monitor the  
9           investigation carried out by the SPVM.

10           On October fifteen (15), two thousand sixteen  
11           (2016), the independent observer submitted her  
12           report concluding that the Phase 1 investigation of  
13           the SPVM has been carried out with integrity and  
14           impartiality. She also made a number of  
15           recommendations touched on below.

16           On November eighteen (18), two thousand sixteen  
17           (2016), the Director of Criminal and Penal  
18           Prosecution, the DPCP, announced that due to lack  
19           of evidence no criminal charges would be laid in  
20           the thirty-five (35) out of thirty-seven (37) files  
21           investigated by the SPVM.

22           The reaction among indigenous communities was  
23           immediate; keen disappointment and anger.

24           Indigenous organizations, including the Grand  
25           Council of the Crees renewed calls for an



1 independent judicial Commission of Inquiry.

2 In December two thousand sixteen (2016),  
3 Professors Bellot and Sylvester released their  
4 report on the judiciary (inaudible) of homelessness  
5 in Val d'Or. Days later, the Government of Quebec  
6 formally established this Commission of Inquiry to  
7 look into the issues of discrimination towards  
8 indigenous people in relation to six public  
9 services, including police services.

10 In considering police services, a distinction  
11 should be made between non-indigenous and  
12 indigenous police forces. I will not comment on  
13 specific cases at this time but touch on more  
14 structural issues.

15 First, the non-indigenous police. Professors  
16 Bellot and Sylvester have noted a profound mismatch  
17 between the training received by non-indigenous  
18 police officers and their work with indigenous  
19 people in the urban centers. Police officers are  
20 being asked to do work which they have little or no  
21 training. And here's a quote:

22 "The police are too often asked to be  
23 first or only responders to deal with the  
24 tensions and problems related to the  
25 presence of homeless people in downtown

1 Val d'Or. In most cases, police officers  
2 have not received any specific training  
3 on the history, realities of Quebec First  
4 Nations and Inuit prior to taking their  
5 positions in Val d'Or. In certain cases,  
6 the police and the homeless people  
7 entertain cordial relations but generally  
8 speaking we've observed misunderstanding  
9 and distrust on each side. There seems  
10 to be a profound lack of correspondence  
11 between the nature of the work performed  
12 by the police officers, their means and  
13 methods of intervention and the needs and  
14 the problems of the homeless people."

15 We support the recommendation of Professor  
16 Bellot and Sylvester to shift from police to social  
17 services in dealing with homeless indigenous  
18 persons. These are two quotes here.

19 "An intervention protocol should be  
20 adopted in order to prioritize social  
21 responses, including by an increased  
22 presence of street workers, in particular  
23 during the evenings and over nights. In  
24 the case of indigenous people, such  
25 protocol should be developed with the

1 indigenou communities."

2 And (b) :

3 "The SQ should issue clear guidelines to  
4 the officers to avoid using punitive  
5 responses and providing support to social  
6 interventions when it is deemed  
7 necessary. Such support should not lead  
8 to the issuance of tickets."

9 The independent observer, Mme Fanny  
10 Lafontaine, had recommended changes to the police  
11 complaint and investigation procedures to be  
12 developed with adequate representation of  
13 indigenou peoples.

14 We support her recommendation. We can report  
15 that some discussions have taken place between  
16 representatives of certain indigenou  
17 organizations, including the Grand Council of the  
18 Cree, and the Ministry of Public Security, and the  
19 Secretary for Indigenou Affairs. Although there  
20 are further discus... discussions are required, the  
21 exchanges to date have been positive and we are  
22 working together towards a better model for dealing  
23 with complaints by indigenou persons regarding  
24 police misconduct.

25 Picking up on the theme of learning from

1 others. We suggest that there are lessons to be  
2 learned from the evidence of former Saskatoon  
3 Police Chief Clive Weighill who shared his  
4 experience with the Commission in October nineteen  
5 (19), two thousand seventeen (2017).

6 He told the Commission of the events  
7 surrounding the death in nineteen ninety (1990) of  
8 Neil Stonechild after a starlight tour by two  
9 members of the Saskatoon Police Service. He  
10 referred to the Commission of the inquiry by  
11 Justice David Wright which inspired the creation of  
12 this Commission.

13 The Stonechild Inquiry recommended a number of  
14 things. (1) the review and improvement of  
15 complaint procedure regarding police misconduct;  
16 (b) (sic-(2) designation of an aboriginal police  
17 officer as a liaison for the First Nation persons  
18 and to act as an informal ombudsman; (3) annual  
19 reports to the Minister of Justice on complaints  
20 about police officers; and (4) an in-depth training  
21 in race relationships for police officers.

22 Most important, Chief Weighill drew attention  
23 to some practical steps taken by the Saskatoon  
24 Police Service to improve its relations between the  
25 First Nation communities and these were some

1            recommendations and actions taken.

2                            (1) A new complaint system created with  
3                            the participation of the first  
4                            Nations;

5                            (b) Greatly strengthen cooperation and  
6                            partnership with First Nations,  
7                            including Police Chiefs Advisory  
8                            Committee on the First Nations and  
9                            Metis;

10                           (3) In-depth education and training for  
11                           all police officers on indigenous  
12                           history, culture, spirituality,  
13                           residential school and contemporary  
14                           issues; and

15                           (4) An (inaudible) and participation in  
16                           First Nations culture, social and  
17                           sport events.

18                           Many of these measures do not require  
19                           legislative amendments or big budgets, they can be  
20                           done quickly and at little cost. It's all about  
21                           building relationship and trust. By all accounts,  
22                           relations between the Saskatoon Police Service and  
23                           the local First Nations people have gone from toxic  
24                           to something, if not perfect then at least much,  
25                           much better.

1                    Director David Bergeron of the Innu Police  
2                    Force stated much the same thing here in June  
3                    eleventh (11<sup>th</sup>) when he talked about community based  
4                    policing. Getting out of the police cruisers and  
5                    talking to people.

6                    The other side of the police coin, so-to-speak,  
7                    is indigenous police forces. Commissioner Viens,  
8                    you addressed in your third call for action on  
9                    March twenty-three (23), two thousand eighteen  
10                    (2018), the need for stable, secure funding for  
11                    indigenous police forces as an essential service to  
12                    the community.

13                    I wish to thank you for your support on this  
14                    critical point and I would ask that the Commission  
15                    monitor the progress made in the current  
16                    discussions so as to ensure proper funding for  
17                    indigenous police forces in the future.

18                    Director David Bergeron has drawn attention to  
19                    the challenges faced by the EEPF and other  
20                    indigenous police forces in recruiting indigenous  
21                    police officers. In part, the difficulties relate  
22                    to the criteria for admission to the École  
23                    Nationale de Police du Québec, the ENPQ in Nicolet,  
24                    as well as the language of instruction and the  
25                    course material. Such adjustments are required to

1           adapt these criteria and processes to the reality  
2           of the Cree communities.

3           We have a good working relationship with the  
4           MSP and we look forward to working with them and  
5           with ENPQ to identify solutions to these  
6           challenges.

7           I want to draw some attention to attacking the  
8           root problem and the first one is housing. It's  
9           become increasingly clear that housing is the  
10          hidden iceberg lurking below many of the issues  
11          before this Commission. The evidence presented to  
12          the... over the past year validates these  
13          preliminary observations in our initial brief last  
14          June.

15          Desperately overcrowded and sub-standard  
16          housing in indigenous communities, in some cases  
17          similar to third world conditions, lies at the  
18          heart of the web of the social and health issues  
19          plaguing indigenous communities.

20          Overcrowded housing hinders success in school,  
21          it creates tension in the families, it breeds  
22          conditions right for physical and emotional abuse.  
23          In so doing, it effectively drives many indigenous  
24          persons to escape to urban centers only to find  
25          themselves, at times, homeless and living in

1 streets, prey to violence and abuse.

2 Until the housing shortage in the indigenous  
3 community is addressed through concrete action and  
4 other actions it will come to nothing. Until  
5 indigenous people are no longer living in ten (10),  
6 twelve (12), twenty (20) to a single home,  
7 conditions commonly encountered in Northern Quebec,  
8 they will continue to fall victim to violence and  
9 abuse, both in and outside their communities.

10 Until this single issue is resolved, indigenous  
11 people will continue to be driven from their  
12 communities to urban centers, where some will  
13 become marginalized.

14 The deployment of more social workers and  
15 sheltered homes in the cities are at best a Band-  
16 Aid solution. These measures may perhaps reduce  
17 some distress on the margin but they will not solve  
18 the real problem.

19 Bill Namagoose will tell the story of the Cree  
20 struggle over the past fifty years to win the  
21 recognition of our rights and a good life for our  
22 people. The Cree have made some success in  
23 improving our living conditions, I can speak to  
24 this from a personal experience.

25 Fifty years ago my own community of Oujé-



1           Bougoumou was dispersed, living in tar paper shacks  
2           by the side of the road, seen as squatters on their  
3           own homeland. I look at our community now and I  
4           have to pinch myself to believe my eyes. Years of  
5           hard work based on our Treaty rights under the  
6           James Bay and Northern Quebec Agreement dogged  
7           perseverance in the face of government  
8           indifferences or hostility and our refusal to say  
9           no, or our refusal to take no for an answer allowed  
10          us to build a beautiful community.

11                 But this experience is more the exception than  
12          the rule and much remains to be done in Cree  
13          communities. There are still far too many Cree  
14          without decent housing. On even the most favorable  
15          estimate, the backlog of housing in the Cree  
16          communities is well over a thousand (1,000) units  
17          and it is projected to be more than double in the  
18          next ten years.

19                 The number of multiple families per house is  
20          about twenty times the Quebec average and the  
21          number of multiple persons per room is about four  
22          times the Quebec average. Like other indigenous  
23          peoples, the Cree are living with sick homes,  
24          health problems and social distress caused by  
25          overcrowded housing.

1           This is why housing became a Cree election  
2           issue for the Cree in the last election for Grand  
3           Chief. I pledged then to make access for all Cree  
4           to decent, affordable housing a top priority of the  
5           Cree Nation Government.

6           In this regard, it should be pointed out that  
7           the Cree do not expect others to do all the heavy  
8           lifting, we are more than willing to propose  
9           solutions and to do our share. We are now working  
10          hard to develop our own innovative Cree Nation  
11          housing strategy.

12          The strategy has two goals, to secure  
13          affordable housing for all Cree and to promote  
14          private home ownership. The strategy will, among  
15          other things:

- 16                   (1) Propose an innovative approach based  
17                   on partnership with Cree and  
18                   government, as well as private  
19                   sector;
- 20                   (b) Entail a commitment by the Cree  
21                   Nation Government of significant  
22                   Cree resources to be complimented by  
23                   commitments by government;
- 24                   (c) Address all sectors of housing  
25                   market with a cornerstone being the

1                                   privatization of private home  
2                                   ownership for those Cree who can  
3                                   afford it; and  
4                           (4) Address the social welfare  
5                                   requirement of those who require  
6                                   government support, as well as the  
7                                   special needs of the Cree elders and  
8                                   youth.

9                           We have secured the approval of the relevant...  
10                           approval of the relevant Cree authorities to  
11                           allocate significant resources as a special housing  
12                           fund to implement in the Cree Nation's housing  
13                           strategy.

14                           We are undertaking discussions with Canada on  
15                           ways and means to implement the Cree Nation housing  
16                           strategy and we hope and expect that Quebec will  
17                           join as partners in finally coming to grips with  
18                           the problem of overcrowded housing in Cree  
19                           communities.

20                           It should be noted that implementation of the  
21                           Cree Nation Housing strategy will create  
22                           significant economic benefits in terms of contracts  
23                           and jobs for the entire region of Eeyou Istchee and  
24                           James Bay.

25                           This leads me to a broader question of socio-

1 economic development of indigenous communities.  
2 Meaningful work and decent income are essential to  
3 any person's self-respect. Socio-economic  
4 development is part of the solution to the social  
5 distress of many indigenous communities so it  
6 became another top priority in my election platform  
7 last year.

8 The Cree Nation has many talented, hard-working  
9 businesspeople and workers. A large number of our  
10 youth enter job market every year. We must create  
11 the conditions to permit our contractors and our  
12 workers to thrive in our communities to enjoy a  
13 vibrant future.

14 With this in mind, we are developing measures  
15 to support local Cree businesses. These measures  
16 include the following:

- 17 (1) Negotiations with Quebec for the  
18 implementation of the provisions of  
19 the James Bay and Northern Quebec  
20 Agreement dealing with priority Cree  
21 contracting and employment;
- 22 (2) Support for small and medium local  
23 businesses to contribute employment  
24 to a strong and diversified Cree  
25 economy; and

1                                   (c) Adapting the CCQ regime in Eeyou  
2                                   Istchee so that the certification in  
3                                   construction trades correspond to  
4                                   Cree realities.

5                                   We are also working to develop in consultation  
6                                   with the Cree First Nations and Cree organizations  
7                                   a Cree Nations social development plan to ensure  
8                                   the wellness of our members. This plan, which is  
9                                   still under development, will bring together the  
10                                  Cree organizations to coordinate their resources  
11                                  and efforts.

12                                 The plan will define the principles and  
13                                 objectives of Cree social development, including  
14                                 access to quality education, health and social  
15                                 services, training, housing and jobs.

16                                 The plan will identify some of the main  
17                                 challenges to social development and most  
18                                 important, it will propose solutions in order to  
19                                 achieve our objective.

20                                 Education and capacity should be seen as key  
21                                 tools in combatting social distress in indigenous  
22                                 communities. That is why I have devoted much of my  
23                                 effort over the years to education and capacity  
24                                 building for our Cree youth. We want Cree youth to  
25                                 live and work in our communities, we do not want

1           them to be forced to go down south in order to  
2           build their... to build their lives.

3           So far we've been quite successful in retaining  
4           our youth. The James Bay and Northern Quebec  
5           Agreement and later agreements have created many  
6           opportunities for Cree youth but they must know  
7           what the opportunities are and what skills they  
8           need to seize the opportunities.

9           The Cree Nation Government is now developing a  
10          Cree job (inaudible) to support our Cree youth in  
11          internship, apprenticeship and new job placement  
12          opportunities in the public and private sectors.

13          We are working with the Cree School Board and  
14          other Cree partners to encourage our youth to  
15          complete their studies and develop their skills to  
16          have them fill positions in all sectors of  
17          employment, whether professional, administrative,  
18          technical or skilled labour. We are also  
19          developing transition measures for post-secondary  
20          graduates so they can access employment in Cree  
21          organizations in their area of studies.

22          Some points on our Cree hunters and trappers.  
23          We should enlist the support but not just of  
24          institutions but of knowledge... knowledgeable  
25          individuals in seeking solutions to some of the

1 issues before this Commission.

2 In our view, the Cree hunters and trappers can  
3 make a valuable contribution to this effort. They  
4 are among our most important guardians of our Cree  
5 culture, tradition and language. They occupy the  
6 land for the Cree Nation and they transmit our  
7 culture to our youth. Time spent by our youth with  
8 the Cree hunters and trappers on the land can be a  
9 source of healing.

10 We must find ways to ensure traditional Cree  
11 hunting, fishing and trapping remains a viable way  
12 of life for our youth and for future generations.

13 This was part of the vision in the James Bay  
14 and Northern Quebec Treaty and it is a vision that  
15 we must guard jealously.

16 More generally, traditional Cree culture is  
17 another part of the solution to the challenges  
18 before this Commission. The Cree Health Board and  
19 the Cree School Board have recognized this by  
20 making central... by making a central place for  
21 traditional Cree culture and healing in their  
22 operations.

23 The Cree Health Board has created the  
24 Nishiou(?) Umastiou(?) Department with the vision  
25 of transforming the way of life, health and

1 wellness of Cree individuals and families and  
2 communities inspired by traditional knowledge and  
3 culture and for the Mumatsian(?) which means well-  
4 being of the (?) Nation. The Cree Health Board is  
5 also seeking legislative recognition for our  
6 traditional Cree healing practices.

7 The work carried out by the customary adoption  
8 working group is consistent with this vision.  
9 James Bobbish spoke of this effort here yesterday  
10 in the context of Bill 113, which will clarify the  
11 legal effects of Cree customary adoption.

12 We believe that traditional family-based  
13 approaches, such as Cree customary adoption, can  
14 reduce the need to turn to more institutional  
15 approaches, such as Youth Protection Services.

16 It is therefore appropriate that public  
17 resources be allocated to support the  
18 implementation of the customary adoption process in  
19 the indigenous communities.

20 In conclusion, Mr. Viens, I hope that these  
21 observations and suggestions will assist the  
22 Commission and in your work to prevent and  
23 eliminate discrimination in the delivery of public  
24 services to the indigenous people of Quebec.

25 I reiterate the commitment of the Cree Nation



1 to support the Commission in this vital mission. I  
2 thank you, Commissioner Viens, for your attention  
3 and I look forward to continuing to work with you  
4 and your colleagues in the next months to come.  
5 Meegwetch.

6 **THE COMMISSIONER :**

7 Thank you very much, Grand Chief. I don't know,  
8 Me Denis-Boileau, would you have some questions or  
9 if we go for lunch before hearing from Mr.  
10 Namagoose?

11 **M<sup>e</sup> MARIE-ANDRÉE DENIS-BOILEAU :**

12 I would have two small questions...

13 **THE COMMISSIONER :**

14 Yes, go on.

15 **M<sup>e</sup> MARIE-ANDRÉE DENIS-BOILEAU :**

16 ... if you allow me, Mr. Commissioner.

17 **THE COMMISSIONER :**

18 Yes.

19 **M<sup>e</sup> MARIE-ANDRÉE DENIS-BOILEAU :**

20 Thank you. Meegwetch Grand Chief Bosum for your  
21 statement. My first question, you can tell me if  
22 it's too early in the process, you talked about  
23 conflict of jurisdiction and we know that the Cree  
24 Nation Government is looking forward maybe to  
25 include a community moose factory who is... this

1 community is on the Ontario side, how do you  
2 foresee these conflicts of jurisdiction with...  
3 including another province, Ontario, Quebec, what  
4 do you expect from... in relation to conflict of  
5 jurisdiction with this new situation?

6 **GRAND CHIEF DR. ABEL BOSUM :**

7 Well, we have begun a process dealing with our  
8 neighbours, our neighbouring indigenous nations.  
9 We started here in Quebec and the approach we have  
10 taken is for the parties to sit down and to discuss  
11 some traditional relationships that we had in the  
12 past and how those relationships have bonded the  
13 people over the many years.

14 I'm excited to tell you that tomorrow we're  
15 going to be signing an agreement with Mashteuiatsh,  
16 which is an Innu community just south here, and  
17 this agreement is about resolving some of these  
18 issues that have been created by boundaries, like  
19 the James Bay Agreement, and other boundaries  
20 created by the governments.

21 And so our approach has been to look at what  
22 were the traditional relationships but at the same  
23 time to look at what is... what do we want to do in  
24 the future. And I think it's pretty obvious that  
25 we want to live in harmony, we want to work

1           together, so this agreement that we have is  
2           about... is about that.

3           And I think that in response to your question,  
4           it would be the same approach, we would need to  
5           talk to our brothers on the Ontario side and I'm  
6           sure that, you know, in those discussions we're  
7           going to learn how close we were and how much we  
8           have in common and that we need to find ways, you  
9           know, to continue to work together despite these...  
10          despite these boundaries, provincial, or whatever  
11          other boundaries, but to maybe enter into  
12          agreements that would allow us to go forward.

13          And, of course, we would certainly hope that  
14          the governments, both provincial and federal  
15          governments will respect our agreements, our nation  
16          to nation agreements and be part of the solution.  
17          So this is basically what we have started and hope  
18          to achieve. I hope that answers your question.

19          **M<sup>e</sup> MARIE-ANDRÉE DENIS-BOILEAU :**

20          Thank you, it does. I have only one last question.  
21          You talked about the Stonechild Inquiry, when  
22          former Grand Chief Matthew Coon Come came before us  
23          in June two thousand seventeen (2017) he talked  
24          about the Alberta Inquiry, he talked about also the  
25          Truth and Reconciliation Commission, as did a lot

1 of other witnesses, of course, and there's... we  
2 know there's a National Inquiry looking right now  
3 into the missing and murdered indigenous women,  
4 when he came in last June, in June two thousand  
5 seventeen (2017), former Grand Chief Coon Come said  
6 twice in his statement that he felt like the  
7 problems are largely known and so are their causes  
8 but what has been lacking is the will to address  
9 them, and I would like to know your feeling,  
10 address them, yes.

11 **UNIDENTIFIED VOICE :**

12 What were the problems?

13 **M<sup>e</sup> MARIE-ANDRÉE DENIS-BOILEAU :**

14 He says that the problems for native communities  
15 basically are largely known, and so are their  
16 causes and what has been lacking is the will to  
17 address them, how do you feel about that and while  
18 talking about all these other inquiries that there  
19 were before us?

20 **GRAND CHIEF DR. ABEL BOSUM :**

21 Well, I think there's no question that indigenous  
22 problems and indigenous people have been studied to  
23 death right across Canada and there's piles of  
24 reports sitting in offices with recommendations,  
25 and so there is no lack of ideas and solutions,

1           they are there. And I think that in our case  
2           anyway we've used the Treaty to find ways to get  
3           governments to recognize what those issues are.  
4           But rather than having them try to solve these  
5           problems, we've assumed that responsibility and so  
6           our agreements with both Quebec and Canada it's a  
7           demonstration of First Nations taking ownership of  
8           their province, you know, and, of course, what that  
9           called for is negotiations with both governments to  
10          have funding arrangements, long-term funding  
11          arrangements to allow us to be able to fix our  
12          problems. So I guess that's really the answer.

13                 And, of course, we're really looking forward to  
14          the outcome of this Commission because again, we're  
15          going to find out more things that perhaps we have  
16          not included in our agreements. And once we have  
17          more information, we will certainly want to revisit  
18          some of these agreements and to see how we can...  
19          it can be incorporated, you know, for  
20          implementation in years to come.

21                 So there is... we're really on one hand very  
22          eager to see what the outcome is, you know, so that  
23          we can then negotiate with the governments and  
24          hopefully that whatever initiatives that come out  
25          of this will not only benefit the Cree people but

1           benefit all indigenous people in the Province of  
2           Quebec and across Canada.

3           **M<sup>e</sup> MARIE-ANDRÉE DENIS-BOILEAU :**

4           Thank you very much.

5           **THE COMMISSIONER :**

6           Me Hurley, will you have some questions? You're  
7           Counsel for a participant, it's your right. Okay.  
8           So now I think we'll go for lunch before listening  
9           to Mr. Namagoose. I will thank you, Grand Chief,  
10          at the end you're telling I hope these observations  
11          and suggestions will assist the Commission, I'm  
12          sure it will.

13          And I have to recognize that the Cree... Cree  
14          Government and Cree organizations have supported  
15          the Commission since the beginning and I want to  
16          thank you very much for that. You and through you,  
17          all organizations of the Cree Nation, it's very  
18          helpful. Without support from organizations,  
19          indigenous organizations it's not possible, we...  
20          it will be impossible for us to go forward, so I  
21          thank you very much. Very much for that.

22          So now we'll go for lunch and then we'll listen  
23          to Mr. Namagoose. Okay, we'll suspend till... till  
24          we're back.

25          **M<sup>e</sup> MARIE-ANDRÉE DENIS-BOILEAU :**

1 Twelve forty-five (12:45) we could say.

2 **THE COMMISSIONER :**

3 An hour, is it sufficient? Yes.

4 **M<sup>e</sup> MARIE-ANDRÉE DENIS-BOILEAU :**

5 Yes, until twelve forty-five (12:45).

6 **THE COMMISSIONER :**

7 And I invite everybody to go at the Youth Center  
8 nearby for lunch.

9 SUSPENSION

10 -----

11 REPRISE

12 **LA GREFFIÈRE-AUDIENCIÈRE :**

13 La Commission reprend ses audiences.

14 **THE COMMISSIONER :**

15 So welcome back. Me Denis-Boileau, we will  
16 continue with Mr. Namagoose?

17 **M<sup>e</sup> MARIE-ANDRÉE DENIS-BOILEAU :**

18 Yes.

19 **THE COMMISSIONER :**

20 With the presentation.

21 **M<sup>e</sup> MARIE-ANDRÉE DENIS-BOILEAU :**

22 Yes, but just before we go on with Mr. Namagoose's  
23 presentation I will just file the documents we have  
24 to file into evidence.

25 **THE COMMISSIONER :**

1 Great idea.

2 **M<sup>e</sup> MARIE-ANDRÉE DENIS-BOILEAU :**

3 So under P-663 I will file in a bundle the two  
4 PowerPoint presentations that were given to us by  
5 our witnesses of today, French version and English  
6 version, so both in a bundle under P-663.

7 **- PIÈCE COTÉE P-663 -**

8 Under P-664 the statement of the Grand Chief  
9 Abel Bosum.

10 **- PIÈCE COTÉE P-664 -**

11 And under P-665 the remarks of the Grand Chief  
12 Abel Bosum.

13 **- PIÈCE COTÉE P-665 -**

14 Everything, good. Madame la greffière, c'est  
15 correct?

16 **LA GREFFIÈRE-AUDIENCIÈRE :**

17 Oui.

18 **M<sup>e</sup> MARIE-ANDRÉE DENIS-BOILEAU :**

19 Okay. So we will go on as explained this morning,  
20 I will just re-explain it quickly for the people  
21 who might be joining us this afternoon. This  
22 afternoon we will be hearing from Mr. Bill  
23 Namagoose who is the Executive Director of the Cree  
24 National Government and of the Grand Council of the  
25 Crees of Eeyou Istchee and he will make a



1 presentation on the key milestones in the history  
2 of the Cree people of Eeyou Istchee and  
3 specifically in matters of self-government and  
4 self-determination. Mr. Namagoose, I will invite  
5 you to make your presentation.

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1 Bill Namagoose  
2 Executive Director of the Cree National Government  
3 and of the Grand Council of the Crees of Eeyou Istchee  
4 Solemn affirmation

5 -----

6 Me John Hurley  
7 Attorney for Grand Council of the Crees and the Cree  
8 Nation Government  
9 Oath of office

10 -----

11 **MR. BILL NAMAGOOSE :**

12 Thank you. Thank you, Commissioner Viens. Before  
13 I make my presentation I'll just say a few words in  
14 Cree for the people who are listening.

15 (MR. NAMAGOOSE ADDRESSES THE COMMISSION IN CREE)

16 So I guess you will follow the presentation, I'll  
17 be speaking in English. By way of introduction, as  
18 you know, the Grand Chief, former Grand Chief  
19 Matthew Coon Come and the Cree representatives  
20 presented to this Commission an initial brief of  
21 the Grand Council and the Cree Nation Government  
22 and there has been a lot of information.

23 The initial brief brought the... introduced the  
24 Cree Nation and provided an overview of Cree Nation  
25 governance and some of the Cree entities concerned  
26 by this... this commission.

27 As you know, there was a lot of pressure,  
28 political pressure brought on by the Cree Nation  
29 Government and the Grand Council of the Cree to

1           establish this commission and, of course, we are  
2           very fortunate that it had been established by the  
3           Quebec Government and we are very pleased about  
4           that.

5           The purpose of the presentation is to provide a  
6           more specific perspective of the Cree Nation  
7           Government today, we call that a contemporary  
8           government, the Cree Nation Government, the  
9           contemporary times (inaudible) growth since the  
10          signing of the James Bay and Northern Quebec  
11          Agreement in nineteen seventy-five (1975).

12          The overview I'll take will be to establish or  
13          explain the Cree Nation Government, the Cree Nation  
14          of Eeyou Istchee. The principles of governance  
15          that we follow, some of the milestones in our  
16          relationship with Canada and Quebec and Hydro-  
17          Quebec. And I'll explain the local governments,  
18          the Cree Nation Government structures at the local  
19          level on Category 1A lands, the Cree governance on  
20          Category 2 lands, and other areas of the Cree  
21          governance throughout the whole territory.

22          This is a story about agreements and  
23          understandings and compromises that we did together  
24          with Canada and Quebec. It's like a coming  
25          together of a legal regime, a government regime,

1           and these regimes do not define the Cree, the  
2           agreements that we signed do not define the Cree,  
3           it's the Crees continue to define themselves  
4           through our language and our culture. These  
5           agreements that we signed are accommodations and  
6           compromises, how Canada and Quebec relate to the  
7           Cree Nation Government and to the Cree Nation.

8           We call ourselves Eeyou, the people, we are  
9           close to twenty thousand (20,000) people now, we  
10          name our traditional territory Eeyou Istchee, it  
11          means the land of the people or Cree land. Our  
12          territory comprises of eleven Cree communities over  
13          three hundred (300) traditional family territories,  
14          or as Quebec calls them "trap lines". We call them  
15          "ntohostchee". In our tradition "ntohostchee"  
16          means hunting territory or family and each  
17          territory or trap line is... there's a family that  
18          occupies and uses that territory.

19          Our traditional territory is located primarily  
20          in northern eastern Quebec, on the eastern shore of  
21          James Bay and southeast of Hudson's Bay. The area  
22          is comprised of about the size of New Brunswick, or  
23          larger... slightly larger than New Brunswick.

24          On the Quebec mainland we have through the  
25          agreements, created through the agreements what are

1           called Category 1A lands, compromised of five  
2           thousand (5,000) square kilometers. This is where  
3           the Cree communities are located, the communities  
4           there we have eighteen to twenty thousand (18,000-  
5           20,000) people in these Cree communities.

6           This is an area... the land was set aside by  
7           Canada and Quebec, it's similar to like a reserve  
8           but it's much larger than a reserve, much  
9           different, it's not a reserve but was some of the  
10          formula that was used to create these Category 1A  
11          lands.

12          Of course, the Crees wanted much more than a  
13          reserve so we created... what was created was  
14          Category 2 lands where Crees would have exclusive  
15          hunting, fishing, trapping rights and, of course,  
16          there would be no... no resource development on  
17          this. Category 2 lands now have seventy thousand  
18          (70,000) square kilometers.

19          When these lands were created the Crees were  
20          hunting, fishing, trapping, the entire Cree economy  
21          was throughout all this territory, and that was the  
22          compromise we made that we would set aside eighty  
23          thousand (80,000) square kilometers exclusive to  
24          Crees and thirty thousand (30,000) square  
25          kilometers... three hundred thousand (300,000)

1 square kilometers would be for what are called  
2 public lands. And these other lands called  
3 Category 3 lands are fully occupied by Cree  
4 traditional family territories as well. But this  
5 is the entire Cree territory that was dealt in the  
6 James Bay and Northern Quebec Agreement.

7 What I described this is on the Quebec  
8 mainland, we also have traditional (inaudible)  
9 rights and title in the offshore. This was... area  
10 was not settled during the James Bay and Northern  
11 Quebec Agreement, there was an undertaking by the  
12 Quebec... or by the federal government that the  
13 Crees and the federal government would one day  
14 return to this table to settle the Cree claims or  
15 the Cree title in the offshore area. And this  
16 offshore deal was signed in... recently and it  
17 covers thousands and thousands of islands in the  
18 James Bay, which I will describe later.

19 The Crees of... the Cree Nation of (Cree words)  
20 these communities. On the Coast is (Cree words)  
21 and Hudson Bay Coast, Chisasibi, (inaudible) East  
22 Maine and the James Bay Coast. We have more Quebec  
23 on the Ontario side, which is a story that is  
24 developing which I'll explain later. The (Cree  
25 word) communities as Nemiska (Cree words).

1           On the coastal coast, in Cree we call them  
2           (Cree words) and inland people are called (Cree  
3           words). And when you translate the Grand Council  
4           of Cree it means coastal people and inland people  
5           helping each other, (Cree words), that's what the  
6           Grand Council of the Cree translates into Cree...  
7           in Cree. So we have the coastal people on the  
8           coast and the inland people and that's our...  
9           that's our nation.

10           The Cree First Nations have described how...  
11           the governance of the Cree First Nation, the Cree  
12           communities, each referred nation is governed by  
13           its own Chief in Council, elected Chief in Council  
14           and elections every four years.

15           Each Chief also sits on the Board of Directors  
16           of the Grand Council of the Cree and the Cree  
17           Nation Government to address common Cree Nation  
18           issues.

19           You'll notice here that the Chief has two hats,  
20           he has a local hat, governing the local community,  
21           plus he also has a Nation hat when he sits at the  
22           Cree Nation Government. And he's the only officer  
23           that has two hats in the Cree Nation Government.  
24           The Grand Chief has only one hat as the Cree Nation  
25           Government, (inaudible) Grand Chief.

1           So the Chief wears two hats. Of course, when  
2           he sits at the Cree Nation Government we... they  
3           are expected to leave their local hat at home and  
4           wear the Cree Nation Government hat when they come  
5           to the Cree Nation Government... Government issues.

6           Nine Cree First Nations are now recognized  
7           under our Treaty of the James Bay and Northern  
8           Quebec Agreement, that's... I named these  
9           communities. The tenth Cree First Nation will be  
10          Washaw Sibi that's in the process of establishing  
11          its own community and will eventually become part  
12          of the Treaty. This is a long process, they've  
13          been recognized many years ago by the Cree Nation  
14          Government, these are people that live in the Amos  
15          area. They are originally... they are Crees from  
16          that area that just so happen to have been lumped  
17          in or signed in as members of the Pikogan First  
18          Nation.

19          That happened throughout the territory and  
20          across Canada where distinct groups, distinct  
21          communities, nations have been lumped into other  
22          reserves to create one reserve, or one community,  
23          to make a sort of an administrative arrangement or  
24          administrative convenience for the federal  
25          government but this is what happened to the Washaw



1           Sibi. So they will eventually become part of the  
2           Cree Nation when it's formally structured and  
3           recognized.

4           The eleventh Cree Nation of (?) Quebec, it was  
5           recently recognized by the Grand Council of the  
6           Cree, the Cree Nation Government as members of the  
7           Ontario side on James Bay and these members are  
8           also Crees that moved there in the forties (40's),  
9           fifties (50's) and sixties (60's) for economic  
10          opportunities.

11          On Moose Factory, the community that they are  
12          living in, was sort of the economic hub of the  
13          James Bay Territory in the forties (40's) and the  
14          fifties (50's) and Moose Knee, Moose Factory they  
15          were linked by railroad, that was the only... only  
16          land link to James Bay was through Moose Knee and  
17          we did a lot of business there, economic activity,  
18          and the only land link to Hudson Bay was Churchill,  
19          Churchill railway, which is now washed away.

20          So in Moose Factory and Moose Knee where  
21          people went for economic opportunities, there was  
22          like I said, the railway link there, there was a  
23          residential school there, there's a big regional  
24          hospital there, there was Indian Affairs regional  
25          offices there, there was a parks services in Moose

1           Knee, and also there was a large airport there  
2           usually... that was constructed by the air force.

3           So a lot of these services now have moved to  
4           the Quebec side when the highway came through the  
5           territory and we have now access roads. So these  
6           people have stayed there, they're born there, they  
7           stayed there and that's their home but they're  
8           not... they seek a community of their own. So this  
9           is the story of (?) Quebec.

10          The principles of governance. The Cree Nation  
11          Government is based on the principle of respect for  
12          aboriginal and Treaty rights of the Cree Nation as  
13          a self-governing indigenous nation. Some of the  
14          Cree principles of governance are set out in the  
15          Constitution of the Cree Nation. The Constitution  
16          of the Cree Nation is a reflection or a carbon copy  
17          of the Cree Naskapi Act that has been replaced by  
18          the Cree Governance Agreement and I will explain  
19          that later.

20          In our Cree Constitution we say that since  
21          time immemorial, the Cree Nation of (inaudible) has  
22          continuously functioned as a distinctive indigenous  
23          people and a nation with its own social  
24          organization, distinctive culture, language,  
25          spirituality, values, institutions, laws, practices

1 and customs.

2 This is the thousands of years of tradition in  
3 that area. That's why we make this distinction,  
4 traditional territory, traditional thousands of  
5 years of customs and traditions versus the  
6 contemporary one when we... governance, how we  
7 interact with Canada and Quebec.

8 It's governed itself in accordance with its  
9 own values, laws, institutions and the exercise of  
10 the inherent right of self-government and self-  
11 determination and (inaudible) occupy and manage the  
12 land and resources of the territory Eeyou Istchee.

13 Like we said, in the nineteen seventies  
14 (1970's) the Crees occupied the entire territory,  
15 we had a viable economic... viable economic  
16 activity in hunting, fishing, trapping, fur prices  
17 were good in the nineteen seventies (1970's), of  
18 course that's... the economics of that has changed  
19 and the Crees have been forced to... forced to  
20 adapt and we are good at adapting.

21 And we carried on and continued (inaudible)  
22 practices, customs and traditions integral  
23 (inaudible) culture, language. I think our most  
24 successful thing we've ever done, our greatest  
25 success of the Crees since nineteen seventy-five

1           (1975) is that we have maintained our language and  
2           culture and we also have maintained the... kept our  
3           people in whole, we kept the integrity of our  
4           people, our people did not disperse into other...  
5           the communities in the south. I think that's one  
6           of our greatest successes, we kept our nation  
7           intact throughout all this change that we have been  
8           forced to accommodate.

9           Of course, the Cree have never surrendered its  
10          inherent right to self-government and self-  
11          determination. You'll notice in our governance  
12          that there is not much... there is not much  
13          discussion or literature written about the  
14          traditional way of life in the agreements that we  
15          signed with governments, that's because we want to  
16          keep the traditional way of governance, the trap  
17          lines and also the traditional territory according  
18          to Cree tradition.

19          We find that once you write it down, your  
20          lands... your traditional way of governing it  
21          becomes legalized, it becomes into the legal world  
22          and we like to keep it in the cultural world.  
23          That's the way... that's part of the thinking  
24          there. What you see in governance agreements and  
25          legislation is the contemporary way the Cree would

1           like to interact with Canada and Quebec and govern  
2           themselves in the contemporary world.

3           Continuing on the principles of governance,  
4           the Constitution continued... the Cree Nation  
5           continues the process of asserting, affirming and  
6           defining its inherent right to self-government and  
7           self-determination to take into account the context  
8           and changing conditions. We have a lot of  
9           changes... we've had a lot of challenges if we take  
10          into account the context and changing conditions  
11          but I think we've been successful the Cree  
12          Government, the Cree Nation Government and the Cree  
13          people, especially the Cree people (inaudible)  
14          successful in trying to accommodate and adapt to  
15          these changes.

16          The Cree Nation subscribes to the fundamental  
17          values of freedom, human dignity, quality, justice,  
18          mutual care and assistance, respect for individual  
19          and collective rights, protection of the  
20          environment, wildlife and honor for the creator,  
21          Cree ancestors and the Cree traditions. A lot of  
22          these values are... you can see if you read the  
23          James Bay Agreement... a lot of these are in the  
24          James Bay Agreement that the Cree people brought to  
25          the negotiating table.

1           And these principles or values are critical to  
2           the conclusion of agreements and treaties in  
3           support of processes of reconciliation between the  
4           Cree Nation and non-indigenous society and Canada,  
5           and governments.

6           The Cree are strong in their language and  
7           culture, this is what really keeps us strong and we  
8           are able to make decisions, when we speak in the  
9           Cree language you go into another... almost under  
10          another context and when you can defend an  
11          agreement with Canada or Quebec in the Cree  
12          language, we've made a lot of progress, so that's  
13          how we explain to our people and our people are  
14          able to interact with the Cree leadership and the  
15          negotiators and get... get the agreements that we  
16          get.

17          I'll talk about the milestones. The  
18          milestones are mostly the agreements we've signed  
19          in the past and these milestones are available on  
20          our website at this address that is on the screen.

21          The first milestone was in nineteen seventy-  
22          one (1971). I shouldn't say a milestone, it was  
23          the first threat, the threat. In nineteen seventy  
24          (1970), the Government of Quebec announced a  
25          massive James Bay hydroelectric project, the

1 largest hydro project of the world at the time,  
2 called the project of the century, and it was sold  
3 in Quebec as the... as the project of the century  
4 and that Quebec would be... would arrive into the  
5 future, that's the way it was sold to the people in  
6 southern Quebec.

7 And it would affect the Cree homeland of Eeyou  
8 Istchee and our traditional way of life based on  
9 hunting, fishing and trapping at that time.

10 This project now generates fifty percent (50%)  
11 of the electricity in Quebec, so everywhere you go  
12 in Quebec, every second lightbulb comes from... the  
13 electricity comes from here in this territory, so  
14 you can imagine the Cree kind of... the Cree's  
15 magnitude of accommodation of that kind of  
16 development.

17 Twelve thousand (12,000) square kilometers  
18 were flooded, five, six major rivers were diverted  
19 to make way for the La Grande Complex. Yet at the  
20 time the Cree were not consulted, our consent was  
21 not sought and the Cree experience of that project  
22 was an invasion. There was no accommodation, no  
23 respect for our culture or traditional way of life,  
24 our economy, which was much viable at the time.

25 The Bourassa government at the time just sent

1 in the bulldozers and engineers and reconfigured  
2 the territory, built a highway through the Cree  
3 territory, built a four hundred (400) mile highway  
4 in four hundred (400) days into our territory,  
5 which is literally overnight.

6 We were forced to take legal proceedings with  
7 the Inuit of Quebec, the Inuit of Nunavik against  
8 Quebec, Hydro-Quebec and Canada in order to defend  
9 our way of life.

10 At that time, Canada who had a fiducial  
11 responsibility to protect aboriginal people, or  
12 protect our fiduciary... obligation to protect  
13 aboriginal rights, took the position that the...  
14 took the position of neutrality, which means they  
15 won't do anything, they won't do anything to defend  
16 us even though it was their duty. However, we also  
17 ended up suing them because they were part of the  
18 Court case.

19 So that was the nature of the accommodating  
20 aboriginal rights at that time, they were not...  
21 there was no jurisprudence with respect to  
22 aboriginal rights, or titles, or aboriginal rights  
23 across Canada. I think there was only one Court  
24 case that was Keeran.

25 **Me JOHN HURLEY :**



1 Calder.

2 **MR. BILL NAMAGOOSE :**

3 Calder. The Calder case was the only case at that  
4 time that existed with respect to aboriginal  
5 rights. So Canada needed to take political action  
6 to defend us but they refused and took a position  
7 of alert(?) neutrality.

8 When we launched our Court case we had a major  
9 victory, it's called the Kanatewat Decision, this  
10 is the Robert... Chief Robert Kanatewat Decision,  
11 Court case, it was named after him, he was one of  
12 the leaders at that time. In nineteen seventy-  
13 three (1973) the Judge Malouf rendered a historic  
14 decision on *Kanatewat vs. Société de développement*  
15 *de Baie James* in favour of the Cree and Inuit and  
16 this halted the project in nineteen seventy-three  
17 (1973).

18 Judge Malouf ordered the work to stop in James  
19 Bay on the basis that Cree and Inuit rights and the  
20 damaged caused by the project to our traditional  
21 way of life. The Court decision was a major  
22 victory for the recognition of Cree and Inuit  
23 rights. This decision brought Canada and Quebec to  
24 the negotiation table.

25 This Court case, our decision... the injunction

1           that was granted in favour of the Cree and Inuit  
2           lasted only five days, six days, and it was... it  
3           was overturned in six days.

4           **Me JOHN HURLEY :**

5           It was actually suspended by the Court of Appeal  
6           within a week but it was heard on its merits a year  
7           later and it was overturned a year later.

8           **MR. BILL NAMAGOOSE :**

9           However, this decision brought Canada and Quebec to  
10          the negotiation table. As you can see, it was a  
11          big change from sending in the bulldozers and  
12          engineers to reconfigure our territory, turn our  
13          lives upside down and the economy and the  
14          environment upside down versus coming to the  
15          negotiation table two years later.

16          But the Crees had to fight and for us this was  
17          a culture shock, it was... we were not used to this  
18          kind of confrontation. Legal, political  
19          confrontation, and it was new to us, we were not  
20          confrontational people, we were accommodation but,  
21          however, we had no choice but to defend our  
22          territory.

23          You can see the picture at the bottom, those  
24          are young people in their twenties that were called  
25          upon by the elders who couldn't speak English, they

1           called upon the youth to defend them because the  
2           youth could speak English and communicate and had a  
3           sense of what the modern world wanted to... wanted  
4           from the Cree. So many, many people at that age  
5           were brought out of university, and some from high  
6           schools, to help defend their people.

7           You can imagine being in your twenties and  
8           being asked to make nation-altering decisions that  
9           will alter your nation forever and taking decisions  
10          that will alter the environment forever, but these  
11          were what the young leaders at the time were faced.

12          Yes, some of these leaders here... oh, this  
13          is... you see there on the front page of... the  
14          front of the checkered jacket that's Grand Chief  
15          Billy Diamond who was in his twenties at that time.  
16          To his right is Chief Robert Kanatewat, he was the  
17          oldest one, in his late thirties at the time. And  
18          Late Chief Abel Kitchen to his right, who passed  
19          away, he was (inaudible) the administrative Chief.

20          Immediately behind him is Philip Awashish, also  
21          in his mid-twenties at the time. To his right...  
22          to his left is Chief Ted Moses who was also our  
23          Grand Chief. And behind them is... against the  
24          wall, on the immediate right the people behind  
25          Billy those are the Inuit leaders, I don't recall

1           their names. In the back wall is Chief Smally  
2           Patawabano that was from Mistassini, he was... and  
3           he was the Chief here. And Chief Wapachee from  
4           Nemaska and Chief Lawrence Jimikin to his right.  
5           And then Chief Moses, the father of Ted Moses is  
6           behind him. And Chief Sidney Shamoosh(?) from East  
7           Maine.

8                     You can see the elder chiefs were in the back  
9           and the young people were in the front, that was  
10          the... how they operated. The young people walking  
11          to the Court room to get the... to get the  
12          decision. And that's Chief... the picture of... I  
13          was going to call him Chief, Judge Albert Malouf,  
14          every Cree knows his name.

15                    In nineteen... in nineteen seventy-four (1974)  
16          the Grand Council... the Cree Nation formed the  
17          Grand Council of the Cree. Before we were with the  
18          Indians of Quebec Association, which is now the  
19          AFNQL, but we had to leave, we had to form our own  
20          association because it was too complex to involve  
21          everybody in Quebec, every chief in Quebec in our  
22          issue. So the Cree and the Inuit decided to form  
23          their own organization.

24                    (Inaudible) was elected the first Grand Chief  
25          and it was the Grand Council of the Cree that

1 negotiated with Canada and Quebec to secure a  
2 treaty to recognize and protect Cree rights in the  
3 context of the James Bay hydroelectric project.

4 In November nineteen seventy-four (1974), the  
5 Cree signed an agreement in principle with Canada,  
6 Quebec and Hydro-Quebec. During this time, during  
7 these negotiations there was a lot of also pressure  
8 from outside, what they call the environmentalists,  
9 and other people, human rights people,  
10 environmental people putting a lot of pressure on  
11 the Cree to try to use the Cree to stop this  
12 environmental project or environmental disaster as  
13 they called it at the time.

14 So the Crees were under tremendous pressure not  
15 only to protect themselves but also to protect the  
16 environment and also to try to accommodate the  
17 supporters that we had in the environmental  
18 community.

19 The agreement in principle was signed in  
20 nineteen seventy-four (1974). This agreement was  
21 the principle... in principle served as the basis  
22 for the final agreement that we had signed in  
23 nineteen seventy-five (1975).

24 The picture you see there is one of the first  
25 meetings of the Cree Nation. The person in the

1 desk at the immediate left is Chief Malcolm Diamond  
2 who was from my community, Waskaganish, he was... I  
3 remember him as chief, he was chief for maybe  
4 twenty-five (25), thirty (30) years.

5 Next to him is Chief Mark, John Mark, who was  
6 chief in Wemindgi. I don't recall the other ones.  
7 The one on the immediate right is Chief Jose  
8 Jimikin, Josie Sam from Chisasibi.

9 **Me JOHN HURLEY :**

10 (Inaudible) Billy (inaudible).

11 **MR. BILL NAMAGOOSE :**

12 Chief Malcolm Diamond was the father for... father  
13 of Billy... Grand Chief Billy Diamond he was a very  
14 forceful person, they call him the loud one, the  
15 loud Chief in Waskaganish and he... he set the  
16 stage for many, many things to come that are  
17 still... he passed away many years ago.

18 So in nineteen seventy-five (1975) we signed  
19 the James Bay and Northern Quebec Agreement along  
20 with the Northern Quebec Inuit Association,  
21 Government of Canada, Hydro-Quebec, and the  
22 Government of Canada signed the James Bay and  
23 Northern Quebec Agreement.

24 The James Bay and Northern Quebec Agreement is  
25 the first modern indigenous treaty and the first

1           aboriginal land claims agreement in Canada. At the  
2           time... at the time the format or legal framework  
3           that the... Canada wanted to accommodate the Cree  
4           was through these... was through the... what they  
5           call a Land Claims Policy, Comprehensive Land  
6           Claims Policy, which was introduced by the Trudeau  
7           government. I think it was the Trudeau government.

8                        So this is the model, or claim, or format,  
9           legal framework that the Crees used but the Crees  
10          added a lot of meat to that policy. Being the  
11          first one they had the option, they had the... I  
12          used to say luck being the first one in, they were  
13          able to add a lot of meat to the James Bay... to  
14          that claims process.

15                      Because of that that claims... that Land Claims  
16          Policy is no longer available in Canada. It's a  
17          bare bones policy, there is no such thing as  
18          education, health, if you want education in your  
19          Lands Claim Agreement you have to go through the  
20          normal services, normal programs. If you want  
21          education services, health services, you go to  
22          normal programs. There's no longer an income  
23          security program available. There's no longer an  
24          environmental impact assessment process available  
25          in Land Claims Agreements. And there's no hunting,

1 fishing, trapping regimes available in Land Claims  
2 Agreements. There's strictly a land deal and  
3 compensation. That is the... that's the  
4 difference.

5 And James Bay (inaudible) continued to be the  
6 living foundation of the modern treaty rights, we  
7 call it the legal framework in our relationship  
8 with Canada and Quebec. And the pictures you see,  
9 Premier Robert Bourassa shaking hands with Chief  
10 Robert Kanatewat. In the middle is Grand Chief  
11 Billy Diamond. And I think the guy with the tie  
12 is...

13 **Me JOHN HURLEY :**

14 Lévesque.

15 **MR. BILL NAMAGOOSE :**

16 Lévesque.

17 **Me JOHN HURLEY :**

18 Gérard D. Lévesque.

19 **MR. BILL NAMAGOOSE :**

20 Oh, yeah. You know him? Okay. Yeah, and Billy  
21 there was still in his twenties at the time. And I  
22 guess that's before the disco era, he was wearing a  
23 disco suit at that time. Billy was very... you  
24 know, a very passionate person, energetic person,  
25 and charismatic leader, strong in his Cree language



1           and culture. A very forceful personality. He can  
2           control a room of fifty people with the force of  
3           his personality.

4           And I think at the bottom that's the signature  
5           picture of the James Bay and Northern Quebec  
6           Agreement.

7           To continue with the James Bay and Northern  
8           Quebec Agreement, the James Bay and Northern Quebec  
9           Agreement contained thirty (30) chapters, at least  
10          thirty chapters, mostly... almost like thirty (30)  
11          issues which I say that are no longer available in  
12          Canada.

13          The first chapter (inaudible) 3 is the Cree  
14          beneficiary status. The beneficiary status is who  
15          could benefit from the James Bay and Northern  
16          Quebec Agreement. It's also our citizens, a list  
17          of citizens, who is a Cree citizen is defined by  
18          this section.

19          At that time, as you know, there was status  
20          Indians who were recognized by the Indian Act, plus  
21          there were non-status Indians that were not  
22          recognized by the Indian Act, so you had... not the  
23          Métis but the non-status and status, in the Cree  
24          world we have status people and non-status people,  
25          so we eliminated that distinction.

1           And it was very apparent at that time who were  
2           the non-status and non-status... who were the  
3           status and non-status Indians but today nobody  
4           remembers who was status or non-status, we're all  
5           Crees. It was just a legal definition, it was just  
6           a definition that the Indian Act put on the people  
7           to divide them but now there is no distinction  
8           between who was a member of the Indian Act Band or  
9           who was a non-status Indian, we just eliminated  
10          that.

11          The Land Claim Regime, Section 5. Local  
12          governments in Section 9 and 10. This is very...  
13          these sections are very important because they can  
14          be very useful. There were (inaudible) in the  
15          James Bay and Northern Quebec Agreement for future  
16          development and future relations with Quebec and  
17          Canada created by Sections 9 and 10.

18          I remember Billy Diamond explaining to me once  
19          that the James Bay and Northern Quebec Agreement  
20          was not about money, even though it's described as  
21          such by other people, he said the value is in the  
22          sections and he said and we left a wide, a very  
23          wide path for people to follow. You will see the  
24          markers if you read the James Bay Agreement and you  
25          will see the markers as you live through the James

1 Bay and Northern Quebec Agreement, you will see the  
2 markers that we left, a very wide trail, and the  
3 value is in the sections of the James Bay and  
4 Northern Quebec Agreement. And that was a strong  
5 lesson that we learned that he passed on to us.

6 Also Cree governance on Category 2 is described  
7 in Section 11. Again, there's a very strong  
8 (inaudible), that was one of the... at the time the  
9 Crees acquired Category 2 lands to continue... have  
10 an area to protect, to practice the traditional way  
11 of life on Category 2, but we used it in  
12 contemporary times to get more governance of the  
13 territory.

14 Cree health and social services, Section 14,  
15 created a Cree entity, separate, autonomous entity  
16 for the Crees to manage Cree health and social  
17 services, which is no longer available in  
18 comprehensive land claims.

19 Cree education, again it created a school board  
20 where we control part of our curriculum. And we  
21 have a separate entity that controls education.

22 They are not part... the Cree Health Board and  
23 the Cree education, there's two distinctions there.  
24 The Cree School Board is responsible for running  
25 the classrooms and the Cree Nation Government, the

1 Grand Council of the Crees is in charge of  
2 protecting the right to education.

3 Whenever Canada or Quebec threatens the right  
4 to education of any Cree it's the Grand Council of  
5 the Crees and the Cree Nation Government that will  
6 defend that person, not the Cree School Board. The  
7 Cree School Board is the teacher and the classroom,  
8 we protect the right.

9 Same thing with health. Canada and Quebec  
10 threaten a right to health and social services,  
11 it's the Cree Nation Government that protect that  
12 right. The Cree Health Board and Social Services  
13 run the hospitals, the Cree Nation Government we  
14 don't run the hospitals, we protect that right.

15 Administration of justice in Section 18. The  
16 Police Force created in Section 19. Again that's  
17 not available today.

18 Environmental and future development in Section  
19 22, this is where we get a lot of our... we call  
20 that leverage. Section 22 is the environmental and  
21 future development section. This is the first  
22 environmental and social impact assessment ever  
23 created in Canada in nineteen seventy-five (1975)  
24 was designed by the Cree and we call it the Crees  
25 gift to Canada because after this there was a lot

1 of environmental review sections created but it was  
2 the Crees that designed the first one.

3 The environmental... the difference with  
4 today's environmental assessment processes and the  
5 ones that created... that the Crees created in  
6 nineteen seventy-five (1975), we are participants  
7 in that process, we are part of the decision-making  
8 process. Even though we are making  
9 recommendations, part of the panel that make  
10 recommendations, we are part of the decision-making  
11 process.

12 We're not interveners, we're not limited to be  
13 intervening in the environmental project, so we  
14 make the decisions... we are part of the decision-  
15 making process and how a project should be carried  
16 out.

17 Hunting, fishing, trapping, there's a regime  
18 with Canada and Quebec, that's Section 24.  
19 Economic and social development of the Crees in  
20 Section 28. This is where the "Paix des Braves",  
21 the New Relationship Agreement again was... was...  
22 was carved out, where Canada and Quebec transferred  
23 their treaty obligations to the Cree for a period  
24 of years, we carry out those obligations.

25 When the "Paix des Braves" is over, or the new

1 relationship is over, the obligations that were  
2 carved out of the James Bay and Northern Quebec  
3 Agreement and put into the "Paix des Braves" or the  
4 new relationship we come back to the James Bay and  
5 Northern Quebec Agreement.

6 They revert back to the treaty obligations of  
7 Canada and Quebec, because those treaty obligations  
8 of Canada and Quebec are perpetual, they're not...  
9 there's no time limit. Quebec would like time  
10 limits, Canada would like time limits, but with the  
11 Cree this is the deal, it's forever.

12 Income security program for Cree hunters and  
13 trappers, again a very important help for Cree  
14 hunters and trappers and economic activity.

15 Forestry regime, Section 30. Again it was the  
16 first of its kind in Canada, which was supplemented  
17 again in the "Paix des Braves" in two thousand one  
18 (2001). We went from forestry clear cutting to  
19 what is called mosaic cutting, it's very much  
20 different from... of course, the Crees refer...  
21 have no forestry cutting operations but it's much  
22 better to live with the mosaic cutting rather than  
23 clear cutting.

24 James Bay (inaudible) was given effect and  
25 declared valid by law in Quebec, it was the Crees

1           that actually insisted that the Quebec approve this  
2           by law and by federal statute the James Bay and  
3           Northern Quebec Agreement Land Claims Settlement  
4           Act. These laws provide that the Cree *self(?)*  
5           enjoy the rights, privilege, benefits set out in  
6           the James Bay (inaudible) statutory rights.

7           These laws also provide that they prevail over  
8           inconsistent law applicable in the JBNQA territory.  
9           Since nineteen eighty-two (1982), the James Bay and  
10          Northern Quebec Agreement is constitutionally  
11          protected as a treaty under Section 35 and 52 of  
12          the Constitution Act of nineteen eighty-two (1982).

13          This was negotiated by Grand Chief Billy  
14          Diamond at that time. You remember the process  
15          that Pierre Trudeau had, the constitutional process  
16          where there was... aboriginal rights were  
17          recognized, it's under this process that there was  
18          an amendment made to... also an amendment whereby  
19          land... Comprehensive Land Agreements...  
20          Comprehensive Land Claim Agreements became  
21          treaties, so it was a master stroke at the time for  
22          Grand Chief Billy Diamond to constitutionalize and  
23          constitutionally protect Cree rights in the James  
24          Bay and Northern Quebec Agreement and make Canada's  
25          obligations and Quebec's obligations to the Crees a

1 perpetual constitutional right. So that was what  
2 the big gain was in nineteen eighty-two (1982).  
3 And again that was the work of the Grand Chief  
4 Billy Diamond.

5 Since its initial signature the JBNQA has been  
6 amended twenty-six (26) times, so we take... we  
7 don't consider the James Bay and Northern Quebec  
8 Agreement as a sacred treaty that can never be  
9 touched by... like some other aboriginal groups  
10 across Canada do, we've amended it twenty-six (26)  
11 times. Had we taken that decision we would never  
12 have been able to modernize any of our  
13 institutions.

14 And since, the JBNQA, Crees have signed more  
15 than eighty (80) major agreements with Canada,  
16 Quebec and industry. Signed agreements with mining  
17 companies, Hydro-Quebec, and other governments.  
18 When I say other governments, other government  
19 agencies. Thousands of laws have been adopted or  
20 amended to implement the JBNQA and other  
21 agreements.

22 So other laws had to be amended, this is what  
23 I say when other laws have to be amended to  
24 accommodate, to enable Canada and Quebec to  
25 interface with us, they have to change their laws.



1           These agreements and legislation have created  
2           a unique legal environment, or legal framework that  
3           establish a comprehensive self-government regime  
4           for the Crees in James Bay. So we call it a  
5           framework agreement for governance of the  
6           territory.

7           In nineteen seventy-eight (1978) the Cree  
8           Nation Government officially formed the Cree  
9           Regional Authority established under Section 11 of  
10          the James Bay and Northern Quebec Treaty and this  
11          exercises government and administers the function  
12          of Category 1A and 2 lands. This is the Cree  
13          Regional Authority.

14          At the time the Cree Nation... the Cree Nation  
15          Government wanted to call this the Cree Nation  
16          Government or... but the federal government or  
17          Quebec Government didn't want to call it the Cree  
18          Nation Government, they wanted to keep it an  
19          authority rather than giving it the nature of a  
20          government.

21          They exercise administrative functions on  
22          Category 1A and 2 lands. The Council is comprised  
23          of twenty (20) members, Chairman Abel Bosum is  
24          elected at large as the Grand Chief. Vice-Chairman  
25          Mandy Gull is also the Deputy Grand Chief elected

1 at large. And each elected chief from the Cree  
2 First Nation sit... gets a seat on the Cree Nation  
3 Government or Cree Regional Authority. And one  
4 other elected person is represented by the... by  
5 the... elected person from the community also to  
6 sit on the Cree Regional Authority.

7 This is a very unique structure, as you can  
8 see the Chiefs do not have the majority. Maybe it  
9 was by accident or design but the Chiefs do not  
10 have majority on the Council.

11 And then in nineteen seventy-eight (1978) also  
12 we created the... Section 14 of the James Bay and  
13 Northern Quebec Agreement created the Cree Board of  
14 Health and Social Services. In that respect the  
15 Health and Social Services created... was passed...  
16 Board of Directors are Chief Moses(?), elected by  
17 members of the Cree Nation Government.

18 There's also one representative from each Cree  
19 First Nation. One representative in the... in the  
20 clinical staff, one rep. from the non-clinical  
21 staff, and also the Executive Director is a member.  
22 I'm starting to lose my voice. And they have  
23 exclusive jurisdiction on Category 1 lands. Maybe  
24 you have to carry on, John.

25 **M<sup>e</sup> MARIE-ANDRÉE DENIS-BOILEAU :**

1 Mr. Namagoose, just to tell you, if you want to  
2 take a break at some point you can tell us. You're  
3 saying you're losing your voice, don't hesitate.

4 **MR. BILL NAMAGOOSE :**

5 Okay, we can take a break, yes?

6 **THE COMMISSIONER :**

7 We'll take a few minutes. When you're ready you  
8 let me know.

9 **MR. BILL NAMAGOOSE :**

10 Thank you.

11 **THE COMMISSIONER :**

12 Okay.

13 SUSPENSION

14 -----

15 REPRISE

16 **LA GREFFIÈRE-AUDIENCIÈRE :**

17 La Commission reprend ses audiences.

18 **THE COMMISSIONER :**

19 So welcome back. We'll continue with you. I'm  
20 listening to your presentation.

21 **MR. BILL NAMAGOOSE :**

22 Okay.

23 **THE COMMISSIONER :**

24 You got your voice back?

25 **MR. BILL NAMAGOOSE :**

1 I think so.

2 **THE COMMISSIONER :**

3 Okay. Great.

4 **MR. BILL NAMAGOOSE :**

5 I hope it lasts, otherwise I'll ask... maybe I can  
6 ask John to complete. We'll see where I get to.  
7 Going on (inaudible) 21, this is the establishment  
8 of the Cree School Board. That was also  
9 established in nineteen seventy-eight (1978), three  
10 years after the James Bay and Northern Quebec  
11 Agreement. The Council of Commissioners, today the  
12 Chairman is... the Chairperson is Kathleen Wootton,  
13 elected by the members of the Cree Nation  
14 Government, or by the Cree Nation electors as a  
15 whole, elected at large. And one commissioner  
16 elected by each Cree First Nation. They have  
17 exclusive jurisdiction on all education and all  
18 persons on Category 1 land. Not just Crees, all  
19 persons on Category 2 lands.

20 In nineteen eighty-four (1984) the Parliament  
21 of Canada also passed the... the Cree Naskapi Act  
22 of 1984. This special act was a special  
23 legislation concerning local government on Category  
24 1A land provided for in Section 9 of the JBNQA. So  
25 the source of the Cree Naskapi Act was also a

1 constitutional source from the Treaty.

2 Section 9 of the Naskapi Act represented an  
3 important step for self-government of the Cree,  
4 effectively replacing the Indian Act for the Cree  
5 bands. So the Crees were the first ones to get out  
6 of the Indian Act in Canada. Canada (inaudible)  
7 all the time and they never mentioned it.

8 So we were the first ones to get ourselves out  
9 of the Indian Act. As you know, today a lot of the  
10 aboriginal groups are still debating, a lot of  
11 discussions about getting out of the Indian Act but  
12 they don't know how, nobody has a concrete  
13 proposal.

14 And the Cree's strategy, as we say, is we table  
15 the problem, then we table the solution. So it was  
16 the Crees that tabled the Cree Naskapi Act that  
17 replaced the Indian Act in nineteen eighty-four  
18 (1984).

19 Among other things, they incorporated the Cree  
20 bands and arrangements regarding Cree local  
21 government powers on Category 1A land. The  
22 administration, management and control of the  
23 Category 1A lands for Cree bands, including access  
24 (inaudible) rights and lands and buildings.

25 I was the last Indian Act Chief in my

1 community, Waskaganish. I was elected under the  
2 Indian Act. The next... in June nineteen eighty-  
3 four (1984) I went to bed as an Indian Act Chief  
4 and I woke up as a Cree Naskapi Act Chief. But  
5 things hadn't changed yet, there was nothing, we  
6 still didn't have any water and sewer. So it's not  
7 changing laws and changing policies that... that  
8 generate wealth or health and well-being for the  
9 people, you still have to make a lot of political  
10 effort to get those.

11 It's good to tinker with laws, make change to  
12 laws but you still have to provide resources for  
13 the well-being of people. Laws don't provide well-  
14 being for people, policies don't provide well-  
15 being, it's the implementation and providing  
16 resources through those laws and policies that make  
17 the difference.

18 In the nineteen eighties (1980's), nineties  
19 (1990's) we had lots of challenges and obstacles,  
20 we had many disputes with Canada and Quebec,  
21 between Canada, Quebec and the Cree Nation. When  
22 Canada got the James Bay and Northern Quebec  
23 Agreement and Quebec got the James Bay and Northern  
24 Quebec Agreement in nineteen seventy-five (1975),  
25 they literally walked away from the James Bay and

1 Northern Quebec Agreement.

2 They implemented parts that were more cosmetic,  
3 like creating the School Board, creating the Health  
4 Board, but not providing any resources to the  
5 School Board, not providing resources to the Cree  
6 Health Board.

7 They created the Cree Regional Authority, the  
8 Cree Regional Authority was spending a lot of their  
9 compensation monies to keep going and provide  
10 pressure to the Cree... to Canada and Quebec to  
11 fulfill the obligation. So Canada and Quebec  
12 failed to implement the JBNQA Treaty obligations.  
13 Refusal to Quebec... Canada Industry to seek Cree  
14 consent on resource development.

15 Forestry development continued at a rapid pace,  
16 in fact when we signed the James Bay and Northern  
17 Quebec Agreement in nineteen seventy-five (1975) it  
18 was still a chainsaw operation and in the nineteen  
19 eighties (1980's) and nineties (90's) it became  
20 huge machinery that came in. The Crees said  
21 machines that ate trees, that was the way the Crees  
22 described it.

23 So the forestry regime we had designed in  
24 nineteen seventy-five (1975) may have worked for  
25 chainsaw operations but didn't work for feller

1 bunchers and what they call machines that ate  
2 trees, that was a new regime what (inaudible).

3 The Great Whale hydroelectric project again was  
4 announced, we opposed it because we were still in  
5 nineteen eighty-nine (1989), nineteen eighty-eight  
6 (1988) or eighty-nine ('89) when the Great Whale  
7 hydroelectric project was to be launched, the Crees  
8 were still reeling from the impacts, environmental  
9 and social impacts of the La Grande project. We  
10 haven't dealt with those issues and yet the Quebec  
11 Government, when Robert Bourassa was returned to  
12 power, announced the Great Whale hydroelectric  
13 project despite... despite the fact that they  
14 didn't respect the JBNQA and despite the fact we  
15 were going... the Crees were going through a  
16 tremendous hardship through trying to adjust to the  
17 social impact and environmental impact caused by  
18 the La Grande Complex.

19 Quebec independence referendum and the Quebec  
20 referendum in nineteen eighty-five (1985), again  
21 the Quebec referendum government, the Quebec  
22 Government had a Quebec referendum on the  
23 independence of Quebec and they took the position  
24 that the Crees have no rights, that they could  
25 decide the future of the Crees, but the Crees took



1 a position that the Crees... it was up the Crees  
2 right to self-determination... by virtue of our  
3 right to self-determination to decide which entity,  
4 Quebec or Canada, we would remain with in the event  
5 of the Quebec separating from Canada. So the Crees  
6 took that position that it was up to the Crees to  
7 decide.

8 We had forestry disputes, we launched thirty  
9 (30) Court cases and we made international efforts  
10 at the United Nations. We had become what they  
11 call NGO status for the Grand Council of the Cree  
12 in the nineteen eighties (1980's). We were active  
13 at the United Nations level to advance human rights  
14 and aboriginal rights.

15 And it's still going on today, you see the  
16 culmination or continuation of that fight for  
17 international level. We have the UNDRIP, United  
18 Nations Declaration of Rights of Indigenous People,  
19 we were heavily involved in that. Of course, our  
20 own favorite son, Romeo Saganash, was the MP  
21 (inaudible) legislation, had the third reading now  
22 at the Senate for recognition of Canada by  
23 legislation to recognize the UNDRIP.

24 We're very proud of Romeo Saganash our MP in  
25 his efforts. We had been working on this for

1 thirty (30) years.

2 So this resource development, this conflict, of  
3 course, really spurred on the Cree struggle for  
4 recognition of our rights as an indigenous nation,  
5 environmental justice, and our place in the  
6 government and governance and development of our  
7 territory.

8 In fact, recently the Quebec Government  
9 announced the Plan du Nord by the Charest  
10 Government, the Crees at the time took a position  
11 that the Plan du Nord... that the Cree Nation was  
12 opposed to the Plan du Nord unless the governance  
13 of the territory was changed.

14 The governance of the territory, the vision of  
15 Canada and Quebec was that the Cree stay on the  
16 Category 1 lands, go hunting, fishing, trapping on  
17 the Category 2, and stay out of the way on Category  
18 3 lands. That was their vision.

19 Our vision was that the James Bay and Northern  
20 Quebec Agreement gave us a partnership in the  
21 development of the territory... in governance of  
22 the territory and partnership of the territory. So  
23 that became the focus of our strategy.

24 So nineteen... two thousand two (2002) we  
25 signed the... with all this struggle, all this...

1           we were literally at hand to hand combat with  
2           Hydro-Quebec and the Quebec Government over Great  
3           Whale and also on the sovereignty issue. We signed  
4           the... what we call "Paix des Braves", "Peace of  
5           the Brave", it was a turning point between the  
6           relationship between the Cree and Quebec.

7           So in order to have peace you must be at war  
8           first, because peace follows war, we were literally  
9           at war with Canada, Quebec and Hydro-Quebec for the  
10          non-implementation of the James Bay and Northern  
11          Quebec Agreement.

12          The "Paix des Braves" was an initiative between  
13          two men, it was Premier Landry and Grand Chief Ted  
14          Moses. And I think in the Great Whale fight, in  
15          order to get Canada to... and Quebec to respect the  
16          James Bay and Northern Quebec Agreement we had to  
17          do economic damage to Quebec. We went on a  
18          campaign in the States to cancel export contracts  
19          and export contracts of nineteen (19) billion were  
20          cancelled by the State of New York from Hydro-  
21          Quebec, that caused a lot of economic damage to  
22          Quebec.

23          And on the sovereignty thing, issue, we did a  
24          lot of damage to the party that was in power that  
25          wished to have an independent Quebec. We didn't...

1 we're not opposed to independency for Quebec but  
2 they must recognize people's rights, so that's the  
3 position that we had taken.

4 So Premier Landry felt... we think felt that in  
5 order to accommodate the Cree and get the Cree to  
6 be favourable to sovereignty there must be peace  
7 with the Cree, so that was the political climate.  
8 So had we been passive on the Great Whale and  
9 passive on Quebec sovereignty, there would be no  
10 "Paix des Braves" and there would be no  
11 relationship agreement with the federal government.

12 So the nation to nation relationship based on  
13 cooperation, partnership and mutual respect  
14 provides for the assumption by the Cree Nation  
15 Government of certain responsibilities under JBNQA,  
16 economic and community development with funding  
17 provided by Quebec.

18 You know, when you approach government  
19 officials, ask them to implement the James Bay and  
20 Northern Quebec Agreement, to respect the James Bay  
21 and Northern Quebec Agreement, they have no idea  
22 what to do. You're giving a problem, your problem  
23 to somebody else.

24 Our approach is that here's our problem, you  
25 are not respecting the James Bay and Northern

1 Quebec Agreement, we know you can't because your  
2 officials have no idea what to do to implement the  
3 James Bay and Northern Quebec Agreement, give us  
4 the resources, we'll do it, transfer the obligation  
5 to the Cree Nation, we'll fulfill all those  
6 obligations for a period of fifty (50) years.

7 So that's the solution, let us do it because  
8 you can't do it, and you won't do it, or you can't  
9 do it. So that has been the Cree approach on many  
10 things. We table the problem, then we table the  
11 solution.

12 This agreement also provides for the  
13 participation of Crees in mining, forestry,  
14 hydroelectric development in Eeyou Istchee. It  
15 creates a special forestry regime, I described  
16 before, to accommodate the Cree traditional  
17 activities.

18 The trap line or the family traditional lands  
19 now is the... forms the basis of allocating  
20 forestry. They take a trap line, if a trap line  
21 has been infected forty percent (40%) by forest  
22 fire, cutting, or other natural occurrences, they  
23 must leave that trap line alone for a period of  
24 time. So... until the trees reach a certain  
25 height, then they're allowed to cut again.

1           Before it was... it was called CAF structure  
2           where they take huge swaths of land regardless of  
3           where the traditional territory of the Cree was and  
4           they would tell the... they would tell the forestry  
5           companies start cutting from one end, clear cut to  
6           the other end of this CAF by the time you reach the  
7           other end of the CAF, the trees at the other end  
8           will start growing again, and you do the process  
9           over again. So it was clear cutting of huge swaths  
10          of the territory one end to the other.

11          In our... and the solution we found was to have  
12          mosaic cutting, have the trap line as the  
13          management unit and do mosaic cutting within that  
14          trap line. And it worked so well, during that time  
15          we had the moose population crashed in the  
16          territory, the moose were gone because of the clear  
17          cutting. With the mosaic cutting the moose came  
18          back because they had... they had stands to go to.  
19          So it recovered the moose, among other things, so  
20          it was a great environmental and social remedial  
21          project for the Cree and designed by the Cree.

22          So it resolved our Court cases with Quebec. In  
23          two thousand eight (2008) it took Canada six years  
24          to follow the example of the federal government.  
25          The "Paix des Braves" with Quebec created a model

1           for Canada. This established a new relationship  
2           between Canada and Quebec in order to improve  
3           implementation.

4           Again we took over the obligations of the  
5           federal government and transferred them to the Cree  
6           Nation Government, the Cree Nation Government  
7           carries out those obligations, we build the  
8           projects, we administer the projects, we administer  
9           the responsibilities for a period of twenty (20)  
10          years.

11          When the James Bay... when the New Relationship  
12          Agreement expires in twenty... after twenty (20)  
13          years, those obligations that we took from the  
14          James Bay and Northern Quebec Agreement go back to  
15          the James Bay and Northern Quebec Agreement and  
16          remain perpetual obligations of the federal  
17          government to the Cree.

18          **Me JOHN HURLEY :**

19                Who are the people in the front row there?

20          **MR. BILL NAMAGOOSE :**

21                The people in the front row, on the immediate left  
22                is myself, after I negotiated for the agreement,  
23                the Grand Chief Ashley Iserhoff who was from this  
24                community, and Grand Chief Matthew Mukhash  
25                (inaudible) who was the Grand Chief, the

1 Minister... Minister Chuck Strahl beside the Grand  
2 Chief, and Raymond Chrétien on the right. All the  
3 chiefs are in the back, the community chiefs.

4 Raymond Chrétien took an interesting approach.  
5 When we negotiated with Canada, or aboriginal  
6 groups (inaudible) across Canada, Canada sent in  
7 defence lawyers to defend Canada, to defend all  
8 their indiscretions, all the lack of  
9 implementation, so when a negotiator shows up as a  
10 defence lawyer, you know there's no deal possible.

11 Raymond Chrétien's approach was a problem-  
12 solving approach. He went and visited the Cree  
13 communities and he said I want to see the people,  
14 meet the people, see the culture, then we'll  
15 negotiate. And he took a problem-solving approach  
16 rather than defending Canada. That's how he  
17 arrived at an agreement.

18 So I think it's a lesson for Canada and Chuck  
19 Strahl really took this to heart also, he was  
20 really impressed when he said that if we send  
21 defence lawyers, there'll be no deal, if we send  
22 problem solvers then we'll make a deal on how to  
23 solve our problems across Canada.

24 The (inaudible) had two parts to it, one part  
25 was to amend the Cree Naskapi Act to provide for



1           the Cree Nation Government to act as regional  
2           government, authority over these lands. And before  
3           the New Relationship Agreement Canada did not  
4           recognize the Cree Nation, they only recognized the  
5           communities, the nine First Nations, because that's  
6           what the Indian Act said, that's the Indian Act  
7           mentality, you don't recognize the nation as a  
8           whole, you recognize your reserves and you  
9           administer the reserves, that's how... that's how  
10          the relation has been based.

11                 But with the New Relationship Agreement, the  
12          first time Canada recognized the entire Cree Nation  
13          and signed a deal with us. They recognized the  
14          Grand Council of the Cree in nineteen seventy-five  
15          (1975) because it was convenient for them to get  
16          the agreement that they wanted.

17                 But, however, an administration and  
18          relationship with us, they didn't want to deal with  
19          the Grand Council, because they only wanted to deal  
20          with individual chiefs and communities. But this  
21          is the first time that Canada actually recognized  
22          the Cree Nation as a whole.

23                 So in Part 2, in two thousand seventeen (2017)  
24          we concluded an agreement, a governance agreement  
25          and adopted the Cree Constitution. There's a

1           provision in the New Relationship Agreement that we  
2           would return and negotiate a governance agreement,  
3           so this took nine years, two thousand eight (2008)  
4           to two thousand seventeen (2017) to negotiate. And  
5           mostly because the stale... what we call the  
6           impasse was because Canada wanted to impose their  
7           self-government policy on us rather than having a  
8           governance agreement on the James Bay and Northern  
9           Quebec Agreement, which is a treaty and  
10          constitutionally based.

11                 They wanted to enforce their policy, self-  
12           government policy on us, we insisted that Section 9  
13           of the James Bay and Northern Quebec Agreement,  
14           which describes local government, be the vehicle  
15           through which a governance agreement would flow.  
16           Because with the self-government policy of the  
17           federal government, that policy is at their  
18           discretion, they change policies every day, change  
19           policies every year. When you hear... when they  
20           table the federal budget in February all kinds of  
21           policies are changed without any consultation.

22                 But they can't change an agreement that flows  
23           from a treaty or from their own Constitution. So  
24           that's why we always insist that our relationship  
25           with Canada and Quebec based on the treaty that we

1           had signed. Otherwise why have a treaty.

2       **Me JOHN HURLEY :**

3           Treaty (inaudible).

4       **MR. BILL NAMAGOOSE :**

5           Yes, and one of the federal representatives when we  
6           were... we were in an impasse for many years, for  
7           three or four years, finally one of the senior  
8           ADM's called me at dinner one time, I was having  
9           dinner with my wife late one evening and he called  
10          me and he said I agree, I agree, now we'll  
11          negotiate with... under the James Bay and Northern  
12          Quebec Agreement, not under the policy, I agree  
13          treaty trumps policy.

14                 That broke the impasse and we started  
15          negotiating again. That's why we have a new  
16          governance agreement with Canada. So a treaty  
17          trumps policy, that's a word that's catching now in  
18          Canada.

19                 Milestones, again we signed an agreement with  
20          Canada in two thousand eleven (2011) on the  
21          (inaudible) regional. I showed you the map before.  
22          It was about the ownership of the lands in the  
23          James Bay Islands, in the James Bay and Hudson Bay  
24          area, and Nunavik(?).

25                 Crees have a right to harvest in the

1 (inaudible) region. There's a unique feature to  
2 this agreement also, Canada and Quebec, well Canada  
3 mostly, insists that where there are overlaps in  
4 our traditional territory, they insist those  
5 aboriginal groups sit down on the map and draw a  
6 border between themselves. I mean that's  
7 impossible because traditionally the Cree and Inuit  
8 shared common territories. Crees saw Inuit going  
9 south and the Inuit saw Crees going north, so they  
10 shared the territory.

11 So our moral was okay, let's have an area where  
12 the Cree and Inuit share the ownership and  
13 jurisdiction of that territory rather than be  
14 forced to draw a map or a border.

15 So there is an area where there is joint Cree  
16 and Inuit ownership and no border, because that's  
17 the way the tradition was. So I think that's a  
18 lesson for a lot of groups across Canada that where  
19 there are overlaps, those overlaps are joint...  
20 joint... joint jurisdiction, joint uses.

21 (Inaudible) signed the Quebec, Canada agreement  
22 on the Eeyou Istchee territory in two thousand  
23 twelve (2012), this agreement builds on the JBNQA  
24 and the "Paix des Braves", again treaty based, and  
25 it creates a partnership between Cree, Quebec and

1           the *Jamiesons*(?) in the governance of the Eeyou  
2           Istchee James Bay territory.

3           It redesignates the Cree Regional Authority as  
4           the Cree Nation Government, which remains the same  
5           legal entity, it extends Cree jurisdiction to the  
6           Cree Nation Government over the Category 2 lands  
7           for natural... for lands and resources planning and  
8           management.

9           We think there is no other agreement like this  
10          anywhere, where non-native people and native people  
11          form a governance of a territory. On the Cree  
12          portion we say it builds on the James Bay and  
13          Northern Quebec Agreement and turned the Cree  
14          Regional Authority into a Cree Nation... Cree  
15          Nation Government.

16          There is... because Canada... Quebec took the  
17          position that Category 3 is exclusive jurisdiction  
18          of the Quebec Government, but the Crees took a  
19          position that no, it was under the James Bay and  
20          Northern Quebec Agreement and we're supposed to  
21          have joint development and joint management, and  
22          joint development of the territory.

23          So with this agreement, that rectified that  
24          situation and ratified the Cree view of how the  
25          territory should be managed.

1           Again in these... the Cree... the Quebec  
2           agreement on governance or the Eeyou Istchee James  
3           Bay territory, it creates a new Eeyou Istchee James  
4           Bay regional government, over three hundred  
5           thousand (300,000) square kilometers of Category 3  
6           lands with equal representation of the Cree and  
7           Jamesiens. The regional government exercised  
8           municipal powers as well as powers of the Council  
9           of regional elected officials with regard to  
10          economic development and land and resource  
11          planning.

12           The regional government is thought to be unique  
13          in Canada in its composition and mandate, probably  
14          unique in North America, and where there is joint  
15          governance by the non-native population and native  
16          population.

17           And so far it's working, it's... it's evolving  
18          and it's a model that... that the Crees and  
19          Jamesiens and the Quebec Government created and  
20          there was no... some people was concerned that this  
21          would never work and it would never happen but it's  
22          still ongoing and we have a relationship, good  
23          relationship with the Jamesiens.

24           We share the benefits of the governance of the  
25          territory and we share the development of the

1           territory. Because they won't go away and we won't  
2           go away so we have to negotiate on how we're going  
3           to co-exist. So that's a model that is working for  
4           the James Bay Cree.

5           Another milestone was in nineteen... two  
6           thousand seventeen (2017), we signed an agreement  
7           with Canada on the Cree Nation Governance Agreement  
8           and the Cree Constitution that provided for the New  
9           Relationship Agreement which we signed in two  
10          thousand eight (2008), contemplated in two thousand  
11          eight (2008), the Cree Governance Agreement and the  
12          Cree Constitution strengthened Cree governance on  
13          Cree community lands, subject to federal  
14          jurisdiction on Category 1A land.

15          See we've already done this with Quebec in two  
16          thousand twelve (2012) so now in two thousand  
17          seventeen (2017) we did it with the federal  
18          government. You see the federal government always  
19          follows the Quebec and the Cree models on... it's  
20          always Quebec and the Cree that initiate things and  
21          make groundbreaking agreements and the federal  
22          government follows, sometimes reluctantly, years  
23          later.

24          And the Crees do not also... it's the  
25          difference, we do not insist that our relationship

1 with Canada is strictly with the federal  
2 government. Other aboriginal groups think that  
3 they should have no relationships with the Quebec  
4 Government, they have relationships with the  
5 federal government only, but our position is we  
6 have a relationship with the Crown and the Crown  
7 constitutes the federal government and the Quebec  
8 government, so we have no problem dealing with each  
9 government.

10 We have no problem dealing with entities, Crown  
11 corporations, we'll talk to anybody that wants to  
12 talk to us and solve our issues. So we don't pick  
13 and choose who... who... who is more likely to talk  
14 to us, we talk to everybody.

15 Cree Nation Governance Agreement and  
16 Constitution, the Cree Nation... the Cree Nation  
17 Governance Agreement and the Cree Constitution take  
18 over the obligations or functions of the Cree  
19 Naskapi Act. The Cree Naskapi Act was... I would  
20 say that it was in nineteen eighty-four (1984), got  
21 us out of the Indian Act, now this Cree Naskapi Act  
22 is replaced by this new governance agreement and  
23 Constitution.

24 The Cree First Nation and the Cree Government  
25 keep the same powers, there is no transfer of



1 powers between the Cree Nation Government or the  
2 local governments, they exercise... they exercise  
3 their powers by making laws, not by-laws. The  
4 Governance Agreement and Cree Constitution remove  
5 the residual federal oversight in respect to  
6 certain powers and the financial administration of  
7 the... of the Cree First Nations.

8 We do not send our financial reports anymore to  
9 the federal government and there is no oversight,  
10 we don't send any... copies or laws to be approved  
11 by Canada of our by-laws and... our by-laws, we  
12 pass by-laws and we post them and they become in  
13 force right away.

14 The Quebec federal government, of course, has  
15 every right they want to, if they don't agree with  
16 a law they can try to quash it by taking it to  
17 Court, like any citizen, like any Cree citizen.

18 The Cree Constitution sets the new requirements  
19 in terms of financial accountability, the  
20 mechanisms for internal appeal and redress, and  
21 procedures to have access to information.

22 In terms of federal... in terms of financial  
23 administration, under the Cree Naskapi Act the  
24 Chief and Council had to wait for a band member to  
25 approach them for financial information on the

1 services run by the band and Council, in the new  
2 governance agreement the onus is given to the Chief  
3 and Council to send financial information and audit  
4 reports to the band members.

5 So the onus is reversed, instead of the onus  
6 being on the band member, the onus is on the Chief  
7 and Council to send that information. So that's  
8 one of the milestones of the new governance  
9 agreement.

10 I'm going to ask my colleague to carry on  
11 because I'm having problems with my throat.

12 **Me JOHN HURLEY :**

13 So, Mr. Namagoose has just been leading us through  
14 the Cree Governance Agreement and how the Cree  
15 negotiated that agreement with Canada where it will  
16 continue with the Constitution. So the  
17 Constitution is something that's purely internal to  
18 the Cree, it's not an agreement that's signed with  
19 Canada, it's something that is purely internal to  
20 the Cree and basically it sets out arrangements,  
21 it's sort of the how-to. The Governance Agreement  
22 is the what, it's the powers, and the Constitution  
23 is the how-to. So it's the rules of governance in  
24 internal management.

25 So it sets out arrangements for the exercise of

1 self-government, Cree right of self-government in  
2 relation to the administration and internal  
3 management of the Cree First Nations and the Cree  
4 Nation Government on Category 1A lands. So it's in  
5 the context... we're talking now about governance  
6 of Cree community lands, Category 1A lands, we're  
7 not talking here about Category 2 lands or Category  
8 3 lands, we're talking about the Cree communities.

9 These internal arrangements concern subjects  
10 such as procedures for making laws and resolutions,  
11 elections, meetings, referendums, financial  
12 administration and amendment to the Constitution.  
13 The Cree Constitution has an amending formula just  
14 like the Canadian Constitution has, it requires the  
15 consent of all of the Cree First Nations, the Cree  
16 Nation Government, et cetera.

17 These internal governance arrangements were  
18 previously set out in the Cree Naskapi Quebec Act,  
19 that nineteen eight-four (1984) statute that Mr.  
20 Namagoose was talking about a moment ago.

21 So now all of that internal mechanism, if you  
22 like, the sort of "cuisine", the nuts and bolts  
23 have been transferred out of the Cree Naskapi Act  
24 and into the Cree Constitution.

25 Purely internal, as I say, so not approved by

1 Canada or Quebec and that means that the Cree may  
2 change the Cree Constitution if they wish to do so  
3 in the future in order to reflect changing  
4 conditions without the participation of Canada.

5 So a very important point here is that in its  
6 current form the Cree Constitution is really bare  
7 bones, it's a very skeletal sort of structure, it's  
8 mostly about procedures, and it's understood it  
9 will... it's very much a work in progress, it's  
10 just really starting the process and the Cree will  
11 be engaged in an exercise of reflecting on what  
12 more, how they can improve the Cree Constitution  
13 and make it reflect more fully Cree values and  
14 principles. So that work is going to be carried  
15 out over the next... next weeks and months.

16 So the Governance Agreement, the Constitution  
17 and the Cree laws adopted pursuant to them  
18 represent another step in implementing self-  
19 governance in compliance with the Treaty, with the  
20 James Bay and Northern Quebec Agreement. Together  
21 the Governance Agreement and the Cree Constitution  
22 strengthen self-governance on Cree community lands,  
23 we're talking about Category 1A lands, in the  
24 context of the nineteen seventy-five (1975) Treaty.

25 They provide the Cree with greater autonomy and

1 flexibility and governance on those lands and as  
2 Mr. Namagoose mentioned, they remove federal  
3 oversight of laws adopted by the Cree governments  
4 and they remove federal oversight of Cree financial  
5 affairs.

6 Another very important point is that these  
7 instruments, the Governance Agreement provides  
8 long-term stability to the Cree First Nations and  
9 the Cree Nation Government in terms of financial  
10 arrangements with Canada. So as I think has been  
11 pointed out to you, Mr. Commissioner, in earlier...  
12 in other sessions with other First Nations, it's  
13 often a sort of hand-to-mouth precarious financial  
14 situation where they have to go back and  
15 renegotiate financial arrangements every couple of  
16 years, five years if they're lucky, this is quite a  
17 different setup where the financial arrangements  
18 are now set until the year twenty twenty-eight  
19 (2028), which is the year that the New Relationship  
20 Agreement expires and then there's provision for  
21 another period until twenty forty (2040).

22 So this is very important because it provides  
23 the financial foundation really for the Cree First  
24 Nations to make plans for their own governance over  
25 the next number of years.

1                   The Governance Agreement and the Cree  
2                   Constitution, some things that they do not do, and  
3                   we mention this because it's important and there  
4                   are some concerns expressed during the governance  
5                   negotiations.

6                   They do not affect Cree rights under the James  
7                   Bay and Northern Quebec Agreement Treaty, they do  
8                   not affect Cree governance powers and functions on  
9                   Category 2 lands under the two thousand twelve  
10                  (2012) Governance Agreement with Quebec, they do  
11                  not transfer powers or functions from the Cree  
12                  First Nations to the Cree Nation government or vice  
13                  versa. So the powers of each remain the same. And  
14                  they do not affect the powers and responsibilities  
15                  of the Cree institutions, like the School Board and  
16                  the Health Board. Very important to make those  
17                  points.

18                  So this law shows a little bit... it just goes  
19                  to the consultation process leading up to the  
20                  agreement. So in the winter of two thousand  
21                  sixteen (2016) and the spring of two thousand  
22                  seventeen (2017), there were community  
23                  consultations in all of the Cree communities,  
24                  sometimes two and three times, which were led by  
25                  the Grand Chief of the time Matthew Coon Come with

1 Bill Namagoose, and supported by some other  
2 players.

3 And in every community there were meetings with  
4 the Chief and Council and also with community  
5 members and the sessions were often quite lengthy  
6 because people had questions and there was a real  
7 exchange of information.

8 But by the spring of two thousand seventeen  
9 (2017), all of the Cree First Nations, and the  
10 Grand Council of the Crees and the Cree Nation  
11 Government adopted resolutions formally approving  
12 the Governance Agreement and the Cree Constitution.

13 So that's at the stage for the signature of the  
14 agreement in July of two thousand seventeen (2017)  
15 and there you see Grand Chief Matthew Coon Come  
16 with Deputy Grand Chief Rodney Mark and Mr. Carolyn  
17 Bennett of Indigenous... Crown Indigenous Relations  
18 in Ottawa, with the Cree Chiefs behind them.

19 So that was the signature of the agreement and  
20 then a year, well not a year, nine months later, in  
21 March of two thousand eighteen (2018), the  
22 Parliament of Canada adopted Bill C-70, so this Act  
23 give effect to the Governance Agreement and to the  
24 Cree Constitution and it's very important because  
25 it gives effect and force of law not only to the

1 Governance Agreement and the Cree Constitution but  
2 also to the Cree laws which are adopted by the Cree  
3 First Nations and the Cree Nation Government under  
4 the Governance Agreement.

5 So in other words, Cree law really is a law,  
6 it's enforceable in Court, it's opposable to  
7 anybody and anybody can invoke it. Third parties  
8 can invoke it, it's not just a matter of contract,  
9 it's a matter of law. So that law came into effect  
10 on the twenty-ninth (29<sup>th</sup>) of March of this year.

11 Here is a very important slide and I think it's  
12 really a point that perhaps Bill you should address  
13 because it's... it wraps up where things are at.

14 **MR. BILL NAMAGOOSE :**

15 Thank you, John. I think these are the key  
16 agreements that we've had recently, of course, they  
17 all stem from the James Bay and Northern Quebec  
18 Agreement, the "Paix des Braves" signed in two  
19 thousand two (2002), like I said at peace, but it  
20 transferred the responsibilities of economic  
21 development to the Cree and it transferred Quebec's  
22 Treaty obligations to the Cree and the Cree consent  
23 in partnership (inaudible) development is  
24 entrenched in... through an annual payment.

25 There was an annual payment of... at the



1 beginning with seventy million (70,000,000), which  
2 now exceeds a hundred million (100,000,000), these  
3 funds are used to fulfill Quebec's obligations in  
4 the Cree communities, like facilities like this  
5 building that we are in was contemplated in the  
6 James Bay and Northern Quebec Agreement in nineteen  
7 seventy-five (1975).

8 It took Canada and Quebec over thirty (30)  
9 years to come up with these... a formula to fulfill  
10 their obligations. I would say that we fought from  
11 nineteen seventy-five (1975) to two thousand two  
12 (2002) to get these James Bay and Northern Quebec  
13 Agreement obligations fulfilled for the Cree  
14 Nation.

15 While Quebec and Canada were enjoying the  
16 benefits of the La Grande Complex, the Crees had to  
17 literally spiral into poverty in the late seventies  
18 (70's) and eighties (80's) before we were able to  
19 mount an aggressive... aggressive campaign to have  
20 our Treaty obligations respected by Canada and  
21 Quebec.

22 Two thousand two (2002) the New Relationship  
23 Agreement, this is provoked... the "Paix des  
24 Braves" provoked Canada to come up with a similar  
25 agreement where they transferred certain federal

1           responsibilities to the Cree Nation, along with the  
2           financial resources.

3           Canada made a one-time payment of one point  
4           four (1.4) billion do the Cree, this money is  
5           invested in the markets and we use the revenues and  
6           the capital of that money to build these facilities  
7           and do community development and economic  
8           development in the Cree communities.

9           It's strictly administered by the Cree, there  
10          is no oversight from Canada or Quebec, it's  
11          strictly administered by the... by the Cree Nation  
12          Government and the Cree Nations.

13          Again in two thousand twelve (2012) we signed  
14          the Governance Agreement which changed the  
15          governance of the territory. Canada and the Crees  
16          have now lots of resources to... to interact with  
17          Canada and Quebec so we needed the change and the  
18          governance of the territory where the Cree is  
19          responsible now for seventy thousand (70,000)  
20          square kilometers of Category 2 lands and we have a  
21          joint management, or co-management, or a  
22          relationship with the Jamesiens, we are now  
23          responsible for over three thousand (3,000) square  
24          kilometers of territory.

25          In the Cree Quebec Government Agreement we took

1 a position that all the Quebec Government's  
2 offloading, or transfer, or delegating of powers  
3 and authorities to local municipalities, MRC's,  
4 should also have the same offloading, unloading, or  
5 transferring, or delegating these same authorities  
6 to Crees. We thought that was a double standard  
7 where there's a lot of obligations,  
8 responsibilities transferred from the Quebec  
9 Government to municipal governments across Quebec  
10 but not to reserves.

11 We said that there's a double standard so we  
12 insisted that every law in Canada and in Quebec  
13 where there has been transfer should also be  
14 transferred to the Cree Nation.

15 In two thousand seventeen (2017), of course, as  
16 John has explained, we have now the Cree  
17 Constitution. The Cree Constitution that will be  
18 exclusively Cree, the Crees will decide how to  
19 govern themselves through the Cree Constitution.  
20 They can amend it as many times as they want  
21 without consent or approval from Canada or from  
22 Quebec.

23 Cree laws will be passed on Category 1A lands  
24 and we have our own government. And we have a  
25 nation-to-nation relationship with Canada and with

1 Quebec.

2 There's a lot of language with respect to if we  
3 have an actual government or if we are actually a  
4 nation, or... our view is that we are a nation that  
5 happens to be in Quebec and Canada and we don't  
6 have to have our own country to be a nation. There  
7 can be many nations in one country and there can be  
8 many governments in one country.

9 But we take the view that we are a Cree Nation  
10 with our own government, it doesn't mean we have to  
11 have our own country to be independent, we are  
12 independent and we see ourselves and interact  
13 amongst ourselves in that manner. That's why we're  
14 making efforts to preserve our Cree language and  
15 culture because that's what makes us distinct  
16 from... makes us as a distinct nation in Quebec and  
17 Canada. So that's been our view.

18 Sources of Cree Nation Government. Of course,  
19 the source is the inherent right to self-  
20 government, nobody gave us this right, the Cree  
21 Nation Government and the Cree Nation came into  
22 being having this right and, of course, it's  
23 formalized in the treaties we signed with Canada  
24 and Quebec, the James Bay and Northern Quebec  
25 Agreement and the Eeyou Istchee Land Claim

1 Agreement.

2 And we have other nation-to-nation agreements,  
3 we have "Paix des Braves" that we already  
4 described, we described the federal New  
5 Relationship Agreement, and the Quebec Governance  
6 Agreement, and the Cree Nation Governance Agreement  
7 which gives us more autonomy, governance of the  
8 territory and, of course, the implementation of  
9 legislation.

10 And other agreements that we have with other...  
11 with other entities or Crown corporations. Again  
12 this is... again a lot of these agreements are...  
13 do not define us, Crees continue to define  
14 themselves in our territory through our language  
15 and culture, and these agreements are how Canada  
16 and Quebec interact with us, and also how...  
17 through the Cree Constitution how the Crees will  
18 govern themselves without any input from Canada or  
19 Quebec.

20 So we have our own Constitution and we have a  
21 legal framework how we interact with Canada and  
22 Quebec and how the territory is to be developed  
23 through the James Bay and Northern Quebec  
24 Agreement.

25 This has been accomplished through what I would

1 call an inter... incremental approach, we've never  
2 taken the position that we must get everything or  
3 nothing, we have taken steps, many steps, that's  
4 why we have many agreements, eighty (80) agreements  
5 to accomplished where we're arrived today.

6 Had we taken the position that we want  
7 everything or nothing, we would probably have got  
8 nothing, we would still be complaining about our  
9 situation and not making progress in resolving our  
10 problems.

11 The index gets into more detail, local  
12 government category on 1A lands, that's Section 9  
13 in the Cree Governance Agreement through the Cree  
14 Constitution. Category 1A lands are community  
15 lands set aside to... for the Cree, exclusive Cree  
16 use in the Cree communities and subject to federal  
17 jurisdictions.

18 These lands comprise an area of five thousand  
19 (5,000) square kilometers, as we said, they are  
20 subject to a land regime set out in Section 5 of  
21 the James Bay and Northern Quebec Agreement, again  
22 which is a treaty. And they're set aside for the  
23 exclusive use and benefit of the Cree First Nations  
24 under the administration, management and control of  
25 Canada, subject to the terms and conditions of the

1 JBNQA, ownership of the mineral and subservice  
2 rights over such lands.

3 Again, these are not important issues for us,  
4 there is... in order to gain access to Category 1A  
5 lands you need the Crees permission. I mean this  
6 is debated all across Canada for many... by many  
7 nations but the Cree... I see some nations across  
8 Quebec and Canada know exactly where the boundary  
9 line and reserve line is, but if you go in the Cree  
10 territories, the Cree communities have no idea  
11 where the boundaries are of Category 1A land and 2  
12 are, it's just Cree land, they don't talk about  
13 that they can't go there because they don't have  
14 title there, or they don't have rights there, they  
15 just go everywhere they want because there was  
16 access through the James Bay and Northern Quebec  
17 Agreement, Crees were not bottled... or walled in  
18 on the Category 1 lands, we still have access to  
19 the territory.

20 So it's... that's why there is no outcry from  
21 the Crees about title. If the title is ever to  
22 change then the Crees will follow that thing but in  
23 the meantime, the Crees have access and governance  
24 of the territory regardless of the title.

25 Governance, as we said, we already went through

1           this.

2       **Me JOHN HURLEY :**

3           Maybe I could just summarize that.

4       **MR. BILL NAMAGOOSE :**

5           Yes.

6       **Me JOHN HURLEY :**

7           So just on that slide there. So the point here,  
8           Mr. Commissioner, is that the Governance Agreement  
9           that was signed in two thousand seventeen (2017)  
10          and the Cree Constitution have replaced the Cree  
11          Naskapi Act for the Cree, so there is no more Cree  
12          Naskapi Act for the Cree. It was a very important  
13          statute from nineteen eighty-four (1984) until two  
14          thousand eighteen (2018), but it's no longer there  
15          for the Cree, it's been entirely replaced by the  
16          Governance Agreement and the Cree Constitution and  
17          by the new federal statute which gives effect to  
18          it, that's Bill C-70.

19          So the Cree in nineteen eighty-four (1984) got  
20          out from underneath the Indian Act with the Cree  
21          Naskapi Act, in two thousand eighteen (2018) they  
22          got out from under federal legislation entirely  
23          really, with one exception and that is that the  
24          Cree Naskapi Commission which was created in  
25          nineteen eighty-four (1984) remains in operation



1           and will continue to have a kind of ombudsman role  
2           for the Cree and for the Naskapi for citizens who  
3           want to make complaints or make representations  
4           about implementation matters.

5           So all the existing arrangements regarding  
6           powers, land regime, and so on and so forth, have  
7           been transferred out of the Act into the Agreement  
8           and the Constitution. Let's see if there's  
9           something else that's of interest here. This is  
10          really just an enumeration of some of the powers on  
11          the slide of the Cree First Nations on Category 1A  
12          lands. They're word for word what they were under  
13          the Cree Naskapi of Quebec Act and they're based...  
14          the Treaty foundation is Section 9 of the James Bay  
15          Agreement.

16          This slide talks about some of the powers of  
17          the Cree Nation Government on Category 1A lands and  
18          the important point here is that the Cree Nation  
19          Government has powers under Quebec laws on Category  
20          2 lands, dealing with things... we'll get to that  
21          in a moment, dealing with municipal matters and  
22          other matters, but it also has government functions  
23          on Category 1A lands, those are the community  
24          lands, especially in terms of defining standards,  
25          regulations for building, essential sanitation,

1 fire department, and so forth.

2 This slide, Category 2 lands and it's really a  
3 summary of the Cree Quebec Governance Agreement of  
4 two thousand twelve (2012) and amendments to  
5 Section 11 of the James Bay Agreement. And the  
6 basic point here, we've already talked about the  
7 agreement, the basic point is that it gives the  
8 Cree Nation Government powers and jurisdiction  
9 regarding municipal matters but also land and  
10 resource use planning and management on Category 2  
11 lands.

12 So we're talking about seventy thousand  
13 (70,000) square kilometers of land, these are...  
14 these are important powers over sizeable territory,  
15 so it was a real step forward for the Cree in two  
16 thousand twelve (2012).

17 This slide talks a little bite more about some  
18 of the powers, municipal, natural resource, lands,  
19 and so forth, under the two thousand twelve (2012)  
20 Agreement.

21 Moving on, some other areas and the Grand  
22 Chief, and Bill mentioned this a moment ago, Grand  
23 Council and the Cree Nation Government have  
24 responsibility as the signatory and the Cree Native  
25 party to the James Bay Agreement for the proper

1 implementation of the Treaty, so they are the  
2 guardians of the Treaty for the Cree Nation as a  
3 whole. They're sort of at the top of the pyramid  
4 if you like in terms of protecting Cree Treaty  
5 rights.

6 And then you have the operational entities,  
7 front line entities, like the Cree Health Board,  
8 the Cree School Board, which really deliver the  
9 services. So they are service entities but as Bill  
10 explained earlier, when it comes time to  
11 discussions with Canada and Quebec on Treaty  
12 implementation, normally it's the Grand Council  
13 that work hand in hand with the Cree Health Board  
14 and Cree School Board.

15 The Cree Nation Government has responsibilities  
16 for administration of justice and... in  
17 collaboration with Canada and Quebec, and on  
18 police. Director Bergeron has already given you a  
19 presentation on Section 19 and what the Innu police  
20 force is doing and how it's operating.

21 This is an important slide, this is talking  
22 about some of the joint or co-management bodies  
23 under the Agreement. And Section 22 is the first  
24 one that's mentioned there and you see four  
25 different bodies that are listed there, the James

1 Bay Advisory Committee, the Evaluating Committee,  
2 the Environmental Social Impact Review Committee,  
3 which is normally called COMEX, and then the COFEX,  
4 which is the federal review body. These are all  
5 established under Section 22 of the James Bay  
6 Agreement.

7 Melissa Saganash, who is in the room with us  
8 today, is the Chair of the James Bay Advisory  
9 Committee and there you have representatives of the  
10 Cree, Quebec and Canada. Mr. Murdoch is on the  
11 COMEX, I believe. And so as Bill was saying, the  
12 big difference about these environmental processes  
13 is that the Cree are not just participants, they're  
14 not just interveners, they're actually on the  
15 bodies, they're... they have decision-making  
16 powers.

17 In the final analysis the Minister has the last  
18 word in terms of approving or disapproving a  
19 decision, or a recommendation from these panels,  
20 but they nevertheless have very significant input.

21 Hunting, fishing, trapping coordinating body is  
22 another co-management body, Cree, Quebec and  
23 Canada, and has jurisdiction over hunting, fishing  
24 and trapping. And then there is collaboration  
25 between the Cree, Quebec and Canada on economic and

1 social development under Section 28.

2 And as Bill mentioned a moment ago, many of the  
3 obligations of those two governments under Section  
4 28 have been assumed by the Cree Nation Government  
5 and are operationalized with funding provided under  
6 these two agreements, "Paix des Braves" and the New  
7 Relationship Agreement.

8 Here's a structure of the Cree Nation  
9 Government and perhaps, Bill, you might want to say  
10 a word about that.

11 **MR. BILL NAMAGOOSE :**

12 Yes, of course. Our membership is on the top, we  
13 have the Council acting as the Cree Nation  
14 Government where the Chief has a seat. Each local  
15 Chief has seat, along with the Grand Chief and  
16 Deputy Grand Chief, and plus one other person from  
17 the... elected from the community. Of course, I  
18 report to the Council, along with the Corporate  
19 Secretary.

20 On the left we have what we call our finance  
21 and administration under the Treasurer. And the  
22 Human resources. And immediately following my  
23 office is the Police Commission and the Innu police  
24 force. The Director reports to my office.

25 And at the bottom are all the services that we

1           manage, which we have called Inter-governmental  
2           Affairs where the provincial relations, the federal  
3           relations, regional relationships, (inaudible)  
4           regional governance and Category 2 lands are  
5           managed.

6                     We have the Department of Justice and all their  
7           programs. We have a department called Natural  
8           Resources where environmental and remedial works  
9           are managed, forestry, environmental issues, and  
10          the Innu Planning Commission. And we look after  
11          infrastructure, which is a huge responsibility.  
12          It's managed by the (inaudible) works and services.  
13          We have our engineering services in (inaudible)  
14          works.

15                    Then we have a Deputy Executive Director who  
16          manages the Commerce and Industry Department where  
17          we do our economic development. CRH is Cree Human  
18          Resources Development Department, this is managed  
19          programs to... for job creation and training for  
20          Cree throughout the whole territory. We have an  
21          agreement with Canada and also there's a portion of  
22          it that comes from the Cree Nation Government.

23                    Child and Family Services where we manage  
24          twenty-three (23) daycare centers across Eeyou  
25          Istchee. Cree Fire Services where we give

1 assistance to the local companies, local fire  
2 departments. Social and Cultural Development  
3 Department, and of course the Government Support  
4 where IT, communications and general administrative  
5 support is managed.

6 This is the structure that we use, we have over  
7 four hundred and fifty (450) employees in that  
8 structure. A quarter of them are police officers  
9 and the Cree Nation Government has been  
10 *cooperating(?)* together and put in place since  
11 nineteen seventy-five (1975).

12 This does not include the Cree School Board  
13 employees, nor Cree Health Board employees, this is  
14 strictly the Cree Nation Government employees.

15 So it is a vibrant... it is a real government  
16 with like I said four hundred and fifty (450)  
17 employees and it functions well over our territory.  
18 And all these functions that we now carry out were  
19 either not delivered by Canada or were partially  
20 delivered by Canada or Quebec but now it's up to  
21 the Crees to deliver them. We manage that... those  
22 programs and services.

23 This is the Eeyou Marine Region Agreement, this  
24 is the Grand Council Cree Nation Government has  
25 responsibility for ensuring proper implementation

1 of this agreement, or Treaty, it has Treaty status.  
2 In there it has a land use planning chapter,  
3 (inaudible) collaboration (inaudible) public and  
4 government. And the Eeyou Marine Region Planning  
5 Commission where we have a planning commission  
6 jointly with the Cree, Canada and Nunavut  
7 government.

8 James Bay and Hudson Bay are actually another  
9 jurisdiction on Nunavut, so those islands are in  
10 Nunavut, so we go hunting on the... on the James  
11 Bay Coast and if you shoot a goose and it lands  
12 over the high... over the high tide mark, it's  
13 actually landed in Nunavut even though you shot it  
14 in Quebec. So we have to go to Quebec to get our  
15 goose back from the... to our camp.

16 The Eeyou Marine Region Wildlife Board again is  
17 managed... again is Cree, Canada and Nunavut. And  
18 the Development Impact Review Board in  
19 collaboration, co-management again with Quebec,  
20 with the Crees, Canada and Nunavut.

21 Quebec has no role in this because this is  
22 Nunavut territory. We would like to have Quebec,  
23 the James Bay and Northern Quebec regimes apply in  
24 the territory but we just couldn't get it with  
25 Canada and Nunavut, but maybe in the future that



1           will be the... some of the solutions to the  
2           problems that we have in the offshore and we could  
3           extent the James Bay Agreement regime into the  
4           offshore. But that would mean extending Quebec's  
5           jurisdiction so that's a hot potato in Ottawa.

6           So that's... maybe that will be part of the...  
7           part of the discussions in the future. That ends  
8           our presentation, Mr. Commissioner, and I'm very  
9           happy to take any comments or questions, along with  
10          my colleague.

11       **THE COMMISSIONER :**

12           Thank you very much. Me Denis-Boileau, do you have  
13           questions?

14       **M<sup>e</sup> MARIE-ANDRÉE DENIS-BOILEAU :**

15           No, I won't have any questions. Thank you very  
16           much, Mr. Namagoose, and Mr. Hurley as well.

17       **THE COMMISSIONER :**

18           So Me Hurley, will you have some questions or  
19           something to add?

20       **Me JOHN HURLEY :**

21           Well perhaps just a word, Mr. Commissioner, and  
22           really I think the point of the presentation by  
23           Mr. Namagoose this afternoon has been in response  
24           to a question that was formulated by the  
25           Commission, which was well, what really is the

1 James Bay Agreement and how does it work.

2 And so although it's gone into some detail  
3 here, the idea was to provide a little bit of the  
4 history, how did the James Bay Agreement come about  
5 and what's in it, you know.

6 I think just perhaps, I don't want to be...  
7 make an inappropriate comment here but I think that  
8 if you just visit the Cree communities now you see  
9 an energy and a confidence of a people that really  
10 does see itself as a nation with its own  
11 government, its own way of doing things, and who  
12 expect to be treated with respect as adults, and  
13 that was a point that the Grand Chief was making  
14 this morning.

15 And so often one sees and reads very sad  
16 stories about indigenous communities where there is  
17 a sense of defeat almost and a lack of confidence  
18 in the future. And the Cree, through tremendous  
19 leadership and discipline, organization, unity and  
20 hard work have been able to create this new world  
21 for themselves against tremendous odds and it's  
22 really a kind of inspiring story.

23 And given the mandate of this Commission, which  
24 is to look into ways of eliminating and preventing  
25 discrimination in these various public services, I

1 think that it's a story that has application in  
2 coming up with some of the answers to the questions  
3 and the problems that the Commission is working  
4 with so I think it was worthwhile to take the time  
5 to tell the story. Thank you very much for your  
6 attention.

7 **THE COMMISSIONER :**

8 So thank you very much. I appreciate the fact that  
9 you accepted our invitation to share with us  
10 explanations on how the James Bay Agreement was set  
11 up, how it works, how I think and I understand it  
12 still going forward. I understand that you  
13 implemented many other agreements after the first  
14 one and this is going on.

15 I was told today that something else was going  
16 to be signed tomorrow with another nation, I feel  
17 it's great. I remember going in Cree communities  
18 on James Bay in the seventies (70's), it's a long  
19 time ago, and when I arrived in Mistissini and I  
20 saw this community I went around and I... it's  
21 quite different, very different.

22 And I understand that this was built by people,  
23 by Cree people and I understand that you had to  
24 fight to get your rights respected and you started  
25 with the... the project of the government to

1           implement great installations and... in the Cree  
2           territory and this led to procedures, to a judgment  
3           by Justice Malouf, even if reversed later,  
4           overruled later, you get involved in discussions  
5           and get the agreement and build on this and it's...  
6           to me it appears to be a real success that may...  
7           shall continue and Cree people shall be respected  
8           all around the place.

9                     When we come here we see it's... it may be easy  
10           to respect what was done when we see it but not  
11           many people are coming from the south to visit Cree  
12           communities, those nine communities, and I  
13           understand that two more maybe be settled in the  
14           near future. But people in the rest of Quebec  
15           shall know about it and what you told us today and  
16           I just want to say again, I repeat myself maybe but  
17           the hearings will be on all websites for many years  
18           and it's possible for people everywhere in Quebec  
19           to go on the website and to listen at your  
20           testimony, to listen to what was said to us.

21                     Maybe... I will say it maybe later this  
22           afternoon but we have many witnesses, many  
23           indigenous leaders, officials who testified, who  
24           explained what's going on in the nations, in the  
25           communities, and we had also citizens sharing with

1           us good stories and sad ones, we had both.

2                   And I understand this morning listening to the  
3           Grand Chief, there are great stories, not only sad  
4           ones. Great stories shall be expanded elsewhere,  
5           sad stories I think there's... there shall be some  
6           adjustment, improvement so we don't hear sad  
7           stories again.

8                   So I won't be too long, I think we had  
9           something else going on this afternoon and I want  
10          to thank you, thank you very much for this  
11          presentation, it will help a lot. Thank you.  
12          We'll suspend now and we will go on with closing  
13          ceremonies. Okay, we'll take a break.

14        SUSPENSION DE L'AUDIENCE

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I, the undersigned, MONIQUE J. LE CLERC, bilingual Official Court Reporter, hereby certify under my Oath of Office that the preceding pages are a faithful transcript of the recordings submitted, dont outof my conrol, to the best of my ability and knowledge and in accordance with the quality of said recordings. The whole in accordance with the law.

AND I HAVE SIGNED :



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MONIQUE J. LE CLERC, o.c.r.  
Bilingual Official Court Reporter