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Grand Chief Matthew Mukash's Remarks to the Commission on Economics and

Labour on the Green Plan

October 14, 2008

Wachyia and good morning

Ladies and Gentlemen,

I am the Grand Chief of the Grand Council of the Crees, elected by a popular vote of the Cree people to represent the Cree Nation.

I want to thank you for inviting me here today and allowing us to once again express our thoughts on forestry, the proposed Green Plan, and most importantly, its connections to your regionalization project.

To start, I will offer some reflection on the discussion that has already taken place.

One question that came up several times was this committee's interest in our thoughts on the forestry regime under the *Paix des Braves Agreement*. I would say that it is still too early to make any serious judgment because it has yet to be fully implemented.

When the *Agreement* was signed in 2002, the parties agreed to a transitional period up until 2005. Full implementation was to coincide with the adoption of the next set of General Forest Management Plans. At the request of the Ministry of Natural

Resources and Wildlife and in keeping with our mutual cooperative approach in the *Paix des Braves*, we consented to extensions of this transitional period on two separate occasions. Even today, we are still in transition because the Annual Allowable Cut that supports the current General Forest Management Plans is not based on the Forest Management Units as configured in the *Paix des Braves Agreement*.

Without getting caught up in all the technical details, my point here is that there are a number of elements of our *Agreement* that have yet to be fully implemented and so it is difficult to say, "Well we tried that, now lets see if we can improve."

I understand from my forestry team that change has been a constant theme for the Ministry of Natural Resources and Wildlife since the *Agreement* was signed. First by Coulombe with extensions to the General Forest Management Plans, then by the Chief Forester with revised timber allocations, then by Natural Resource Boards with regionalization and now the Green Plan.

And so you can see how it is difficult for us to gauge the success of forestry under the *Paix des Braves Agreement*—this is not to say that there have not been positive changes. We are certainly pleased with the level of consultation that now occurs

with respect to forestry operations, and I know that some of our communities have benefitted from the timber allocations—though they share these hard times with the rest of the forest industry.

Nonetheless, with this constant level of change or proposed change, we cannot help but feel that the gains we have made in forestry are resting on thin ice. And this brings me back to our concerns over the Green Plan and its blue print for regionalization.

As Mr. Saganash noted, we will not consent to any change in forestry linked to the current CRÉ jurisdictional configuration. I understand the Minister has suggested this matter should be resolved with the Minister of Municipal Affairs, but I would contend that it is the Ministry of Natural Resources and Wildlife that chose to follow the CRÉ system and so, respectfully, I believe you need to understand our position. Moreover, I would say that you are all members of this Assembly and thus you had a role in the passage of the CRÉ legislation.

Again we return to the *James Bay and Northern Quebec Agreement* which recognizes our unique rights while guaranteeing us our rights as citizens of Quebec and of Canada. Section 2.11 states:

*Nothing contained in this Agreement shall prejudice the rights of the Native people as Canadian citizens of Quebec, and they shall continue to be entitled to all of the rights and benefits of all other citizens as well as those resulting from the Indian Act (as applicable) and from any other legislation applicable to them from time to time.*

Please explain how our rights as citizens of Quebec are maintained in a system that by law grants exclusive authority over the territory we live in to another group people whom we never have the opportunity to elect? Under this system, and by way of extension, under the Green Plan, the Crees find themselves as citizens without democratic representation. How can we agree to discuss technical forestry matters in such a context?

What makes this situation even worse is that the CRÉ enabling legislation grants representative authority to a handful of small communities that are located at the southern fringe of a massive territory. Do you know how far Lebel-sur-Quévillon is from Whapmagoostui, Chisasibi or even Nemaska? In contrast, our communities are spread throughout the territory and our system of traplines which is recognized in both the *James Bay and Northern Quebec Agreement* and the *Paix des Braves* encompasses the whole of the territory and is occupied by people rather than private companies with temporary leases.

In other words, the James Bay Territory has been and continues to be used and **occupied** by Crees since time immemorial. Are we not also Quebec citizens?

Add to this the fact that our population is at parity with the non-aboriginals and it is clear that the CRÉ system robs the Crees of their right to representation on the lands they occupy and transfers this representation to a segment of the population having little or no presence throughout the majority of the territory. This scenario is reminiscent of the worst colonial practices in Canadian history and around the world and is in complete contradiction to the values of the Québec Charter of Human Rights and Freedoms, the Canadian Charter of Rights and Freedoms, and the International Declaration on the Rights of Indigenous Peoples.

You know I find it ironic that while this Government was passing legislation for the CRÉs, institutionalizing a system that diminishes our democratic right of representation and divides one segment of Quebec's citizenry from another, this Government also launched a commission to examine aspects of intolerance in Quebec society. I would hope that if each of you stood back for a moment and carefully examined the situation, you would see the deep-rooted contradiction here.

Putting aside our Cree concerns for the moment, I would ask if you really think that it is prudent to delegate the responsibility of over a third of the Nation's forest to regional interests. Let us not forget that this region, with its abundance of natural resources, is Quebec's economic engine and its bank in terms of natural heritage. How can the interests of all citizens be safeguarded when our elected officials have abdicated so much of their power and responsibility to a handful of officials whose names never appear on a national ballot?

This sentiment echoes much of what Mr. Saganash said with respect to the fiduciary responsibility of the Government of Quebec to the Crees. How can Quebec's citizens be assured that such limited regional interests will have the capacity to uphold the broad spectrum of considerations with respect to our Treaty and Constitutional rights—particularly when their agenda is so often at odds with these considerations?

To summarize, because time is short, the Cree Nation and the Quebec Nation have entered into two Agreements to oversee the orderly and mutually beneficial development of the territory. These Agreements set out a variety of mutually supported administrative structures to ensure that the interests of each are maintained throughout this development. The underlying principle in each of these

Agreements is that it is the state—Quebec—together with the Crees, that oversee and manage the development of the territory. With this in mind, we see the Green Plan and the regionalization project as a subversion of this principle and something that we will not accept.

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