



Secrétariat
de l'Assemblée des
Premières Nations
du Québec
et du Labrador

Secretariat of the
Assembly of the
First Nations
of Quebec
and Labrador

250, Place Chef Michel Laveau, suite 201, Wendake, QC G0A 4V0
Tél.: (418) 842-5020 / 842-5274 FAX: 842-2660

CHECK AGAINST DELIVERY

RECOGNISING THE SOVEREIGNTY OF ABORIGINAL NATIONS

STATEMENT BY CHIEF GHISLAIN PICARD

AS PART OF THE FORUM SESSION ON :

“JOINT MANAGEMENT OF LANDS AND NATURAL RESOURCES”

A PARALLEL EVENT OF THE

ASSEMBLY OF FIRST NATIONS OF QUEBEC AND LABRADOR

SIXTH SESSION

UNITED NATIONS PERMANENT FORUM ON INDIGENOUS ISSUES

UNITED NATIONS HEADQUARTERS
NEW YORK

MAY 23rd 2007

CHIEF GHISLAIN PICARD'S SPEECH – AFNQL'S PARALLEL EVENT ON JOINT MANAGEMENT OF LANDS - UNITED NATIONS' SIXTH SESSION OF THE PERMANENT FORUM ON INDIGENOUS ISSUES (MAY 2007)

RECOGNISING THE SOVEREIGNTY OF ABORIGINAL NATIONS

Dear Chiefs and representatives of Aboriginal Nations of the world
Dear friends,

It is a great honour for me to speak to you this morning as part of this first "parallel event" set up at the UN by the Assembly of the First Nations of Quebec and Labrador. Our presence here this week – Chief Raphaël Picard, Chief Jean-Charles Pietacho and myself – also has no precedent and shows the new will of the Chiefs of the First Nations of Quebec to play an increasingly active role on the International scene. You will see during the next hour and a half that the situation in Canada, particularly in the province of Quebec, may not be as interesting as you would think. Our struggle for the recognition of our rights is far from over. More than 25 years after the adoption, into the Canadian Constitution, of the recognition of the rights of aboriginal nations, we must face things and admit that the evolution of our rights is not the one we were expecting.

In spite certain progresses, we note that our rights, even if recognised theoretically and in the politicians speeches, beneficiate no genuine recognition. Now time moves on and the needs are growing more and more in our communities who show a very important birthrate. For the future of our people, for the future of our societies, I would say that there is urgent need to act. Some will say some kind of revolution is necessary for our communities. One thing is certain, **status quo is no longer acceptable**. This morning's event will allow you to catch a glimpse of the challenges of joint management, which we say is a necessary pathway so that the socio-economic conditions of the aboriginal nations change radically.

The concept of joint management is not new and has always represented one of the keys of aboriginal nations' future. In 1996, the Royal Commission on Aboriginal People, in its 4000 pages report, and worth 58 million dollars, was finding the scope of the problems to solve and the challenges to overcome. It was also counting up a certain number of possible solutions. Amongst these, the joint management.

And the urgent need to act was already pointed out at the time. Let me remind you that, in 1999, the United Nations' Commission on Human Rights, after an inquiry on the aboriginal people living in Canada, was stating, quote unquote, that: "*the situation of the aboriginal peoples remains the most pressing human rights issue facing Canadians*". That was 8 years ago...

Since then, very little has moved forward... as the First Nations' socio-economic conditions have kept on getting worse. I am thinking about, amongst other things, the diabetes rate that went up from 10 to 15% in the last 5 years. I am thinking also about the employment rate which is 30% lower than the average rate of Quebec. If you add to this a raise in the birthrate of around 2.5%, you can easily imagine the extent of the pressure building up in our communities.

So our challenge is very big, I admit it. And, facing this challenge, we have an obligation to achieve a result. We must not fail and disappoint a rising youth who, in many cases, cannot even afford to live in hope.

The aboriginal nations of Quebec have never renounced their status of nation, have never given up their rights et have concluded no agreement nor transfer treaty, except for the Cris and Naskapis nations. We have never given up our sovereignty which has been often recognised by many legal experts, historians, anthropologist and other researchers who paid interest to the matter. Even the Supreme Court of Canada has recognised it. In a recent decision, the Supreme Court was stating:

"Where treaties remain to be concluded, the honour of the Crown requires negotiations leading to a just settlement of Aboriginal claims. Treaties serve to reconcile pre-existing Aboriginal sovereignty with assumed Crown sovereignty, and to define Aboriginal rights guaranteed by section 35 of the *Constitution Act, 1982*. Section 35 represents a promise of rights recognition, and it is always assumed that the Crown intends to fulfil its promises. This promise is realized and sovereignty claims reconciled through the process of honourable negotiation. It is a corollary of section 35 that the Crown act honourably in defining the rights it guarantees and in reconciling them with other rights and interests. This, in turn, implies a duty to consult and, if appropriate, accommodate.

Today, the question is not find out if the aboriginal nations living in Quebec own sovereignty but how to conciliate the aboriginal nations sovereignty to the sovereignty of the Canadian State.

The Supreme Court recommends to conclude treaties. It is most certainly a beneficial path but it's not the only one. And the governments cannot fold back behind the plea of an absence of treaty to refuse to recognised the rights of aboriginal people, notably, our territorial rights, called aboriginal title, and that could also be called sovereignty.

Many of you are familiar with the concept of governmental autonomy or right to self determination. However, you hear very little about aboriginal sovereignty, a concept that has no real meaning for many persons. We must say that the aboriginals themselves talk very little about sovereignty. Moreover, there is much incomprehension towards the position and the role of First Nations in the history of Quebec Province and of Canada. Before the arrival of French and English settlers, the First Nations were occupying this territory and were living in organized societies. One could find here governance systems, diplomatic relations, wars, commerce... In short, we were sovereign on our lands... Let's add to this that we never gave up (at least for the most of it) to this sovereignty, which continues to exist and has been amalgamated to the actual Canadian law.

Sovereignty of First Nations is not anymore only a vision or a claim, it is now an inescapable fact. Quebec and Canada face a major challenge: the need to adapt the traditional practices and ways according to this reality forgotten for too long. Joint management is a good example of the new practices calling upon us. It's the best path towards a dynamic economy and to a sustainable and genuine development. It's also the best future for our grand-children.

This sixth session of the Permanent Forum is very important for our people, looking this way from far away and wondering about the useful purpose of this Institution and of

different international organization. The duty to see that our work is profitable and bring about real changes in Canada as well as everywhere else in the world lies upon us. I personally commit myself to work so as to reach that goal.

May the Lord inspire our work so that it produces for all of us the fruits that nourishes the hope of our people.

Have a good session