

Chapter 6

OVERCOMING PREJUDICE

The idea that Aboriginal peoples have privileged status and even that they have rights that are superior to those of other citizens living in Quebec is one that you can hear spoken of everyday; it now forms part of popular belief. Two opinion polls taken in 1992 and 1994 confirm this.

In the first poll taken by the Léger and Léger Group on behalf of the *Journal de Montréal* in December 1992, 66.5 per cent of respondents affirmed that the Aboriginal peoples of Quebec had rights that were greater than those of other citizens. In March 1994, SOM's poll of Quebec Francophones and Anglophones on behalf of La Presse and

Radio-Québec revealed that 52 per cent of the Francophones polled said they were of the opinion that the quality of life on the reserves was somewhat or much better than that of Quebecers living in the rest of Quebec. Still more surprising was that fact that only 9 per cent of Francophone respondents were of the opinion that the living conditions were much worse on the reserves than in the rest of Quebec. The results indicated that Quebec Anglophones did not share this point of view.



In September 1994, one company had no qualms about exploiting popular prejudice against Aboriginal peoples. This full-page advertisement appeared in the major French-language newspapers in the Montreal region; no doubt it relied on an opinion poll that had been published a few months earlier. The small print suggests that the Mohawk enjoy special privileges that they do not deserve: [TRANSLATION] "With Super Econo there's no special treatment! Everyone gets the best service at the best possible prices and with the least expensive service plan in the business. Because keeping warm in the winter isn't a privilege, it's a must."



The boundary between the expression of ideas and the display of intolerance is easily crossed in times of crisis. In August 1988, residents from around Pointe-à-la-Croix block access to New Brunswick in a counter-demonstration protesting the barricades that Micmac from Listuguj had erected earlier. This photograph, which was published on the front pages of major newspapers, speaks volumes about the states of mind of the demonstrators. The sign conveys the widely held prejudice that all Aboriginal peoples are constantly "exploiting the system."

Photo: Canadian Press

A DISTORTED PERCEPTION

So what is the truth? Are Aboriginal peoples shown favouritism? Are they as privileged as is claimed, and do they have more rights than the majority of citizens?

In a previous chapter entitled "Dealing With Different Rights," we noted that, far from constituting a regime of privilege, the *Indian Act* actually constitutes a regime of Amer-

**A NON-EXISTENT REAL-ESTATE MARKET
ON AMERINDIAN RESERVES**



Photo: Pierre Lepage

There is no chance of finding a “For Sale” sign in an Amerindian community. The constraints imposed by the *Indian Act* mean that very few Amerindians are likely to become homeowners. When they do own their own homes, they cannot hold a true property deed. At the very most, they may hold certificates of possession or occupation. These lands are transferable only to the community or another Amerindian. Thus, there is no free-market system, and the houses do not have any market value per se.

Indian guardianship. And guardianship means constraint, dependence, absence of autonomy, and deprivation of certain rights and freedoms, in particular regarding testamentary matters, access to property, and the free disposition of certain personal property.

However, the idea that Aboriginal peoples have special priv-

**FINANCING BAND COUNCILS:
AN ISSUE THAT FUELS PREJUDICE**

We are often amazed at the size of the budgets allocated to band councils, which administer services on Indian reserves, compared to those allocated to municipalities of comparable size. However, no municipality in Quebec is responsible for providing health services, education, and social services. With regard to housing, for example, the restrictions arising from the guardianship regime set out in the *Indian Act* oblige band councils to assume significant responsibilities in the areas of funding, property access, building management, and the management of all reserve lands. For band councils, these responsibilities are in addition to the other services generally assumed by municipalities. However, funding is the area in which Indian reserves and municipalities differ the most, as demonstrated by Louise Séguin’s article published in *Municipalité* in 1995:



Photo: Michèle Morel

[TRANSLATION] “In Quebec, the revenues of small municipalities are derived primarily from property taxes collected from their residents. These revenues enable the municipalities to be at least 90 per cent self-financing: compared to Amerindian communities, they enjoy greater

financial autonomy when it comes to paying the bills arising from their more limited jurisdiction. Municipal councils are acknowledged as a level of government, their relationship with Quebec’s ministère des Affaires municipales not being one of financial dependence or guardianship even though the ministry still maintains general responsibility for the municipal system.

“The funding of band councils for the most part comes from the federal government, which is designated as ‘trustee’ of the Amerindians by the *Constitution of Canada* and the *Indian Act*. Amerindians do not own the reserve lands. In addition to government funds, certain communities can rely on revenues from the companies they own. The financial compensation received from development projects for the effects that these may have on their populations also constitutes sources of revenue for some of these communities. The proportion of contributions from the community may vary enormously, but it rarely exceeds 25 per cent of the budget.”

(Séguin 1995)

ileges is so widespread that a majority of people have not surprisingly come to believe that Aboriginal peoples live as well as or better than other Quebecers. Without realizing it, we have taken the idea of "privilege" and turned it into "privileged." However, daily life in the majority of Aboriginal communities is the complete opposite.

In 1991, for example, just before the polls were released, Quebec's Minister of Aboriginal Affairs described the circumstances of Aboriginal peoples as being under-developed in almost all sectors. He pointed out that Aboriginal peoples had an illiteracy rate four times higher than Quebec's rate, an infant-mortality rate three-and-a-half times higher, a suicide rate six times higher for those under the age of 20, a 33 per cent lower income, and so on (Government of Quebec 1991).

THE TRUE FACE OF ABORIGINAL COMMUNITIES

Another study, conducted during the same period by the sociologist Pierre Drouilly, comparing the situation on Amerindian reserves and in northern villages with the situation in Quebec as a whole, concluded that the Aboriginal populations of Quebec were experiencing disastrous economic conditions that contributed to deteriorating social relationships. (Drouilly 1991, 44).

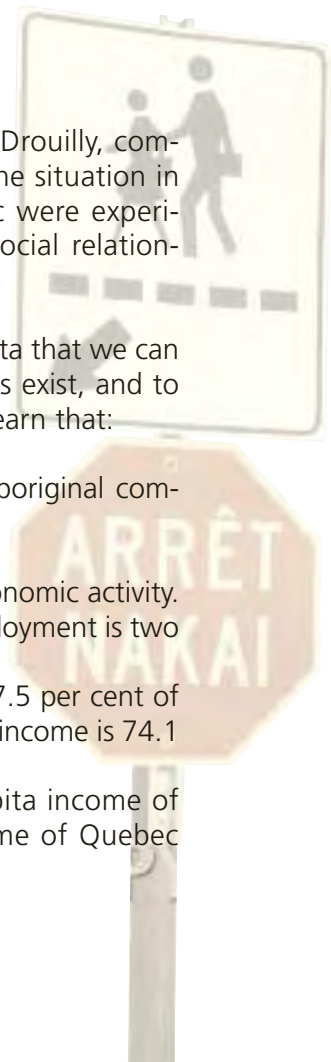
Even though Drouilly's study is now several few years old, it can still provide data that we can use both to compare the Aboriginal nations, where the significant inequalities exist, and to compare those Aboriginal nations with Quebec as a whole. In particular, we learn that:

- Families with five or more members are four times more numerous in Aboriginal communities than they are in Quebec as a whole.
- Only one-half of Amerindian students complete secondary school.
- There is virtually no job market on the reserves and therefore very little economic activity.
- Even during the summer, when seasonal activities are at their peak, unemployment is two to three times higher than it is in Quebec as a whole.
- The average total income of men in Aboriginal communities is equal to 57.5 per cent of the average total income of men in Quebec. For women, the average total income is 74.1 per cent of that of women in Quebec.
- A high level of poverty is exacerbated by a high birth rate. The per-capita income of \$4,874 (versus \$11,302) is approximately 40% of the per-capita income of Quebec as a whole.

ABORIGINAL YOUTH ARE ESPECIALLY VULNERABLE

More recent, if partial, data on the social and economic situation of Aboriginal peoples living in Quebec were brought to light in 1998 by the Government of Quebec's policy document entitled *Partnership, Development, Achievement*. The situation is of great concern, as demonstrated by the following extract:

"According to Statistics Canada and the Bureau de la statistique du Québec, the unemployment rate among aboriginal people is holding at double the average rate for other Quebecers. They earn less income and depend to a greater extent on transfer payments; the average income of aboriginal households is 20% less than that of other households in Quebec, while aboriginal households are almost



SITUATION OF INDIVIDUALS OF ABORIGINAL AND NON-ABORIGINAL IDENTITY IN QUÉBEC BASED ON THE 2006 CENSUS (individuals of 15 years of age or over)

| <i>Individuals with no certificate, diploma or degree</i> | |
|--|----------|
| ➤ Aboriginal | 44.2% |
| ➤ Non-aboriginal | 24.8% |
| <i>Individuals with a high school certificate</i> | |
| ➤ Aboriginal | 17.0% |
| ➤ Non-aboriginal | 22.3% |
| <i>Individuals with a Bachelor's degree</i> | |
| ➤ Aboriginal nations | 6.1% |
| ➤ Non-aboriginal | 16.5% |
| <i>Average income (for persons with income in 2005) \$</i> | |
| ➤ Aboriginal | 24187\$ |
| ➤ Non-aboriginal | 32 176\$ |
| <i>Employment rate</i> | |
| ➤ Aboriginal | 51.3% |
| ➤ Non-aboriginal | 60.3% |
| <i>Unemployment rate</i> | |
| ➤ Aboriginal | 15.5% |
| ➤ Non-aboriginal | 6.9% |

(Source: Statistics Canada, 2006 Census of Population, Catalogue no. 97-564-XCB2006002)



twice as large; employment income accounts for 77% of total income of Quebec households, compared to only 42% among aboriginal people.

A group of children of Uashat and Malliotenam, Côte-Nord.

Photo: Pierre Lepage

“Aboriginal people are much less likely to go on to secondary and post-secondary education. More than 40% of aboriginal people have not completed secondary three, compared to 20% for Quebecers as a whole. While the data in this regard are incomplete, dropping out of school, even at the primary level, is very worrisome in most aboriginal communities. For instance, in some of them, the drop-out rate is 10% in primary school and reaches 50% by the third year of secondary school.

“The aboriginal population is very young, younger than that of Quebec as a whole. Those under 14 account for 20% of Quebec’s total population and

30% of the aboriginal population. Among the Cree, the Inuit, the Atikamekw and the Montagnais, this proportion reaches 40%. Their communities must prepare to receive this wave of young people who will soon be entering the labour market.

“This demographic surge among aboriginal people could, in the near future, cause serious social problems in communities that already have their hands full. If the increase in population takes place in a difficult socio-economic context, it could generate tensions between aboriginal communities and Quebec as a whole (Government of Quebec 1998, 10–11).”

*A group of children
in Salluit, Nunavik*

Photo: Michèle Morel



Recently, at the First Nations Socio-Economic Forum held in Mashteuiatsh in October 2006, Ghislain Picard, Regional Chief of the Assembly of First Nations of Québec and Labrador, warned of the “deep divide” between the living conditions of Quebecers and those of Aboriginal people. Based on the results of an extensive survey of 4,000 Aboriginals, Chief Picard highlighted certain key facts: “Half of all adults have not completed their secondary education, and half of all children have repeated a school year. Obesity affects 52% of children, 42% of teenagers, 67% of adults and 67% of seniors. The diabetes rate among young people is 15%, three times higher than the Québec average... Ten percent of houses are overcrowded and one out of three is infested with mould... Employment insurance and social assistance provide 44% of income, even though the employment rate has increased slightly” (Picard, 2006). In Nunavik, the Katimajit Conference held in Kuujjuak in August 2007 specifically addressed ways to improve the living conditions of the Inuit. A population explosion, chronic overcrowding in housing and many other difficulties are compounded by a cost of living well above that in the rest of Québec: “Food costs are on average 57% higher than in Southern Québec” (Makivik Corporation 2007).

In summary, this information should be enough to convince us that Aboriginal living conditions are far from enviable. To maintain that Aboriginals are privileged citizens who live as well as or better than Quebecers reveals ignorance or even misinformation.

THE BUDGET OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

“More than 80% of DIAND's Aboriginal programming expenditures are for basic services which are provided to other Canadians by provincial, municipal and territorial governments.”

(Indian Affairs and Northern Development. *Aboriginal Funding*)

SPECIAL HUNTING AND FISHING PRIVILEGES?

Aboriginal peoples have always retained important hunting, fishing, and trapping rights that are distinct from those enjoyed by other Quebecers. In some cases these are priority rights; in others they are exclusive rights. Interest groups often attempt to present this situation as a form of preferential treatment or as discrimination against the ordinary citizen, but in chapter four we saw that the existence of distinct rights is not incompatible with the affirmation of the right to equality as it exists in our charters of rights and freedoms. Special situations may demand that if certain groups are to have equality they must have distinct rights. It is for this reason that since 1982 the Canadian Constitution has formally acknowledged that Aboriginal peoples have special rights because of the fact that they were

occupying the territory before the Europeans arrived: this is what is meant by “ancestral rights.” In the case of the Cree, the Inuit, and the Naskapi (all of whom signed treaties with the governments of Quebec and Canada), these are “rights and freedoms resulting from treaties” that are protected by the constitution.

Moreover, the right to preserve cultural life and customs is a basic human right that is protected by section 43 of the *Charter of Human Rights and Freedoms* of Quebec and under international law by section 27 of the *International Covenant on Economic, Social and Cultural Rights*. The Human Rights Committee of the United Nations recently observed that culture can take many forms and that it often expresses itself through a distinct way of life that is associated with the use of natural resources, and that this is often the case for Aboriginal peoples. The committee went on to state that exercising these cultural rights could require that the law prescribe positive measures and ones that would guarantee





that the members of minority communities could participate effectively in the process of taking the decisions that affect them (United Nations 1994, 3-4).

The way that Aboriginal peoples hunt, fish, and trap bears witness to a special kind of land use. Governments have tried to control these activities as far back as the 1930s, an era when both wildlife and the Aboriginal way of life were in peril because of abuses by non-Aboriginals. In response to this, Quebec (with the assistance of the federal government) established a vast network of hunting preserves for fur-bearing animals, commonly known as “beaver preserves,” that still exist. The 232,500 square kilometres of territory they cover represent almost 80 per cent of Quebec. Each beaver preserve is subdivided

into tracts of land on which an Aboriginal family holds exclusive rights to hunting and trapping fur-bearing animals. However, this system did not protect the Aboriginal peoples against other development activities going on at the same time—all too often in the past Aboriginal families would find that their land was a forestry company woodlot or would see it flooded or otherwise affected by development, almost as though they did not even exist. It is easy to understand why situations like this could lead to conflict.

This particular regime, although little known to the general public, shows that the activities and rights of Aboriginal peoples extend far beyond the limited territories of the Indian reserves, which provide permanent residence for the majority of Amerindian communities. The distinction needs to be made between Indian reserves and hunting preserves. The existence of this regime also shows that Quebec is not made up of an undifferentiated piece of land but rather of territory that Aboriginal peoples continue to belong on and for which they are responsible.

**ABORIGINAL COMMUNITIES:
AN IMPORTANT LINK IN REGIONAL ECONOMIES**

In 1992, the population of Chibougamau was concerned about the economic repercussions of the Westminer mine closing. The town's population had been in constant decline since the early '80s,

dropping from 12,000 to 9,000. In these difficult times, as reported by the journalist Pierre Gingras, the Cree rescued the region's economy: [TRANSLATION] "No one in Chibougamau has any doubt about it: the Cree are sustaining much of the town. In reality, since the closing of one mine after another, the town's principal 'natural resource' has been the Amerindians." Chibougamau's mayor reiterated this, stating: [TRANSLATION] "Without the contribution of the Cree, I seriously wonder what would happen to our businesses" (Gingras 1992).



A group of Cree workers at the opening of the sawmill in Waswanipi, an enterprise that resulted from the partnership between a Cree corporation and a pulp and paper company. Operations began in 1997.

Photo: Serge Gosselin, MEQ collection

Chibougamau is surrounded by three Amerindian communities: Mistassini, which in 1992 had approximately 2,300 inhabitants; Waswanipi, with just over 700 inhabitants; and the new village of Oujé-Bougoumou, then under construction, which was to accommodate several hundred persons. Today, the population of these communities represents very strong purchasing power (ibid.). Many merchants have understood this, and some of them have even enrolled in Cree-language courses because they know the importance of satisfying this special clientele.



At Mashteuatsh, in the Lac Saint-Jean region, a study conducted a few years ago at the request of the band council revealed that nearly 80 per cent of purchases were made outside the Amerindian community. Alain Nepton, a Mashteuiatsh council member, said in an interview that the Amerindians were fuelling the economy. And whereas many people were concerned about the fact that the outlying regions were becoming deserted, the Aboriginal populations, with a birth rate that was generally twice as high as the Quebec average, certainly seemed to be there to stay.

The little chapel in Wendake

Photo: Pierre Lepage

We must point out the appreciable contribution of certain communities like Wendake, near Quebec City, whose companies employed nearly 400 non-Aboriginal workers in the mid-'90s (Forum paritaire 1993). This is also the case in Les

Escoumins where, in 2008, out of more than 200 jobs generated by the small Montagnais community of Essipit, 60% are held by non-Aboriginals from the surrounding communities.

It is well known that Aboriginal communities have taken charge of their affairs in several fields. This could lead to the belief that non-Aboriginals have lost jobs, but this is far from the case. In education, for example, the Montagnais Cultural and Educational Institute noted that in the communities it served Aboriginal teachers had more jobs—but only at the preschool and primary levels. At the secondary levels, non-Aboriginals held 100 per cent of the teaching positions.

These few examples clearly demonstrate the inevitable interdependence that exists between Aboriginal communities and the surrounding communities.



Traditional and modern architecture exist alongside each other in Cree communities.

Photo: Michèle Morel



FOR FURTHER INFORMATION

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At the beginning of the 1950s, the beaver was re-introduced to certain regions of Quebec from which it had virtually disappeared. Here, naturalists capture beavers with the aid of two Amerindians. From the Abitibi region, the beavers would be transported by air to other regions. The operation proved successful, as did the establishment of the hunting preserves for fur-bearing animals that are commonly known as "beaver preserves."

Photo: Jos Morin,
Archives nationales
du Québec, Quebec City

