La nation, c'est moi: The Encounter of Québec and Aboriginal Nationalisms

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INTRODUCTION

Proponents of Québec's independence justify their goal with the claim that their province is the cradle of one of Canada's "Founding Nations." In so doing, they bypass the self-perception of the dominant, politicized Aboriginal peoples, who perceive themselves as forming the "First Nations" of what is now Canada. These contending views, neither of which is yet constitutionally fully recognized, are bound to clash whenever issues of self-government are raised within Québec's boundaries. Such a situation arose at the time of the 1995 Québec referendum on sovereignty, which was met with adamant opposition from Aboriginal groups, especially the Cree, the Inuit and the Mohawk. In reaction, Québec's pro-independence government at the time accused Aboriginal peoples of being Ottawa's instrument, and repeated the debatable argument that Québec has maintained the most respectful policy towards Aboriginal peoples among all Canadian provinces.

The aim of this article — written under the assumption that the reader is acquainted with the basic facts of the political and legal situation of Aboriginal peoples and the province of Québec within Canada — is to track the origins and assess the current status of this clash of nationalisms. Later on, I suggest that beyond the myths and political bickering entertained by both sides in the debate, there is a common ground that may bridge both nationalist projects: the joint search for recognition within the Canadian constitutional order. Mutual recognition seems to be the first step towards a complementary, common endeavour for the recasting of Canada as a

multinational state. I will conclude by assessing how likely that kind of reform is under current political circumstances.

THE CLASH OF NATIONALISMS IN CANADA

Among the various concepts historically used to refer to a culturally defined human community — culture, civilization, race, community, ethnic group, people, minority, etc. — the term "nation" is no doubt the most prestigious, politically speaking. While definitions of this concept abound, and have changed a great deal over time,[1] I adopt here Benedict Anderson's, for whom a nation is an "imagined community."[2]

Anderson's definition, besides its brevity, has the advantage of avoiding the pitfalls into which other attempts to determine the essential elements of a nation generally fall. Among those elements frequently mentioned are territory (thus excluding nations with a distinct identity but without a land base), common ethnic origins (thus stepping into the complex and politically controversial issue of racial differentiation), and common language (thus questioning multilingual states that present themselves as nations). The definition I adopt here stresses only one of the often cited components of nations: the sense individuals in a human group have of sharing a common past, a common history that binds them together; "the possession in

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[1]   Eric J. Hobsbawm, *Nations and Nationalism since 1870: Programme, Myth, Reality* (Cambridge: Cambridge University Press, 1990).

[2]   Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, 2d ed. (London: Verso, 1991).

common of a rich legacy of remembrances," to borrow Ernest Renan's words.[3] Certainly, this history is constructed through a careful selection of facts in an often teleological interpretation of them, but it serves nonetheless as a powerful cement to tie individuals together into something they call their nation. This feeling of belonging, rooted in an individual decision to consider oneself a part of the nation, is enough for the individual to become a member of it. As the shared identity is constructed and based not on material facts but on beliefs, it is an imagined community.

Building on this cultural definition of nationhood, some social movements, aware of the momentum this self-identification may give them for political battles, have called themselves "nations." Groups as diverse as the Black populations in the United States, the Chicanos and Islamic fundamentalists have at some point appealed to nationalist discourse. Perhaps the most conspicuous example of this syndrome is the idea of a "Queer Nation," born in 1990.[4] We must therefore qualify exactly what kind of imagined communities may aspire to nationhood, to support the principle that not just any social group may be a nation. I would argue that national imagined communities must also:

a) Be based upon "totalizing identities" that define every aspect of everyday life. This identity must be the most important, spontaneous way by which people in that group choose to define themselves. Single-focused identities based on ideological convictions, religious beliefs, or sexual preference, are in principle only "partial identities" unless they define the whole life and social reality of people involved.

b) Sustain a totalizing identity so unique it cannot be assimilated or equated with another one,

usually manifested in a specific language. This is especially important when several nations belong to a single state. Whenever they are in minority situation, national communities refuse assimilation to the majority. They do not seek equality with the majorities; they rather wish to preserve the differences as a condition for the expression of their uniqueness. No policy of equal treatment, of non-discrimination and respect of minorities, of affirmative action, or multiculturalism would suffice to accommodate true nations: they would always claim recognition of an inassimilable identity.

c) Have some historical attachment to a territory, whether they govern over it or not. This attachment must be manifested in place names, everyday life habits, generational presence validated by historical and even archaeological records. Simple residence or regional concentration, which some social groups have, is not enough to define historical attachment to a territory.

d) Claim some kind of self-government in order to be in charge of the nation's affairs. A true national culture is so complete (totalizing) that it is able to take its own affairs in hand; it is not only able to assert its uniqueness but may handle the tools to preserve it, mainly because it has already done so at some point in time.[5]

The semantic evolution of the concept of nation is the result of a political process: the building of nation-states first in Europe, and later in peripheral regions. War played a significant role in that process. The idea of nation became the ideological core of the nascent territorial political entities called states. Later, both concepts became almost synonymous.[6] The appeal to nationhood became necessary to claim political, and state sovereignty over a territory. That is why nation became the utmost form of recognition, the highest status to which any human group may

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3   Ernest Renan, "Qu'est-ce qu'une nation?" in John Hutchison & Anthony D. Smith, eds., *Nationalism* (Oxford: Oxford University Press, 1994) 17. This essay was originally published in 1882.

4   See Brian Walker, "Une critique du nationalisme culturaliste: l'idée d'une nation gaie" in François Blais *et al.*, eds., *Libéralismes et nationalismes : Philosophie et politique* (Ste.-Foy, Que.: Presses de l'Université Laval, 1995) 211 and Brian Walker, "Social Movements as Nationalisms or On the Very Idea of a Queer Nation" in Jocelyne Couture, Kai Nielsen & Michel Seymour, eds., *Rethinking Nationalism* (Calgary: University of Calgary Press, 1998) 505.

5   Ferrán Requejo Coll, "Pluralismo, democracia y federalismo: Una revisión de la ciudadanía democrática en Estados plurinacionales" (1996) 7 Revista internacional de filosofía política 93.

6   See for instance Ernest Gellner, *Nations and Nationalism* (Oxford: Blackwell, 1983). He considers that a single language, a shared sense of belonging, and a similar appreciation of institutions – in sum, a single national identity – are necessary pre-requisites for the viability of a state.

aspire in its claim for universal acceptance of its ability to govern itself within a territorial base.[7]

With that perspective in mind, it is hardly surprising that in the Canadian context both Québécois and Aboriginal peoples eventually claimed their right to be considered as nations. Their respective processes of assertion of nationhood are very different from each other, but similar in their ultimate goal: to claim recognition as groups with defined identities and with the ability to govern themselves within a defined territory they consider being theirs. Whether these claims are framed inside or outside the Canadian federation, it is clear both human groups are contesting on historical grounds the homogeneity of the single nation supposedly contained within the Canadian state.

Québec's nationalism has a long history. Political groups in the province adopted the nationalist discourse quite early, inspired by the example of the strongly nationalistic and state-centred France and as a way to underline the specific nature of Québec's society and culture relative to the rest of Canada. References to Québec as a nation were already used by the turn of the nineteenth century, and were largely accepted during the constitutional conferences that would lead to the Canadian confederation in 1867. In 1885, a National Party was created under the leadership of Honoré Mercier, and was able to form a bi-partisan unity government two years later. By the turn of the twentieth century, journalist and intellectual Henri Bourassa referred to the "French-Canadian nation" as a specific cultural entity.

This national aspiration would soon reach into the formal political institutions in that province. In 1935, the provincial party Union Nationale was created. It came to power the year after and ruled the province, on and off, for over twenty years until it gradually disintegrated after 1970. Likewise, the Legislative Assembly of Québec changed its name in 1968 to become the National Assembly.

In contrast, widespread adoption of nationalist discourse by Aboriginal peoples is a more recent development. Legally speaking, the term Aboriginal encompasses three different peoples: Indians, Inuit and Métis.[8] The Métis — typically descendants of French Canadians and Cree, Ojibway or Saulteaux Indians — were the first Aboriginal group to claim a national status, at least since 1816, calling themselves "the New Nation."[9] They are presently gathered in an organization they call the Métis National Council (MNC), created in 1983.[10]

During the last thirty-five years, however, the Indians have been at the forefront of the struggle for recognition of a national status. Many of them continuously claimed that status, supporting their claim through the early sovereign nation-to-nation relations they established with the British Crown. However, Victorian colonial policy[11] and the *Indian Act, 1876*[12] relegated Indian communities to the status of "bands." By the early 1970s, Indians increasingly adopted the term "First Nations" as a political strategy in federal politics, in reaction to the policies aimed at assimilation proposed in the White Paper of 1969[13] and to the rise of Québec nationalism. The National Indian Brotherhood thus became the Assembly of First Nations in 1982, in the midst of the constitutional reform review process. The Inuit followed their example with their pan-Canadian association, the Inuit Tapirisat of Canada, which presents itself as the standard-bearer of the Inuit nation.

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8   These three distinct categories were recognized in s. 35 of the *Constitution Act, 1982,* being Schedule B to the *Canada Act 1982* (U.K.), 1982, c.11.

9   On June 19, 1816 the Métis asserted their rights to freely hunt and trade in furs, independently from the Hudson Bay Company, in the incident known as the Battle of Seven Oaks. That day, a Métis brigade seized the company post at Brandon House, in present-day Manitoba. As a result, Governor Semple and 21 of his men were killed, as well as one Métis. See "Métis Land Title," online: Métis National Council <http://www.metisnation.ca/MNC/land_title.html>.

10   Online: Métis National Council <http://www.metisnation.ca/MNC/about_MNC.html>.

11   Thomas O. Hueglin, "Federalismo constitucional vs. federalismo por tratado en Canadá: pensamiento político indígena 'más allá del Estado'" in Paz Consuelo Márquez-Padilla & Julián Castro-Rea, eds., *El nuevo federalismo en América del Norte* (Mexico City: CISAN-UNAM, 2000) at 184-190.

12   S.C. 1876, c. 18.

13   Department of Indian Affairs and Northern Development, *Statement of the Government of Canada on Indian Policy, 1969* (Ottawa: Queen's Printer, 1969).

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7   This being said, international law grants the right to self-determination to "peoples" not "nations." Despite the obvious *legal* strength this fact gives to the term people, our analysis will centre on the concept of nation because of its *political* uses.

The Indians called themselves First Nations in a direct challenge to Québec's claim of being one of Canada's Founding Nations.[14] The political elite in Québec who participated in the creation of the Canadian federation in 1867 presented that new political regime as the result of a pact between two nations to create a single state. Although this bi-national nature of the Canadian state is not made explicit in the Constitution and as yet has not been formally accepted by either the federal government or the rest of the Canadian provinces, it has been the source of inspiration for Québec's claim of nationhood. Aboriginal peoples have been reluctant to recognize this claim, arguing that long before the supposedly Founding Nations existed, they were already thriving as nations in what is now Canada. The term First Nations is thus strongly political, underlining the historical legitimacy of the first inhabitants on the Canadian land. They claim to be endowed with rights at least equal to those of the "newer nations," namely English-Canada and Québec.

The competing visions of First Nations or Founding Nations may coexist as the ideological cement of the respective human communities that gave birth to them. They may also serve as political tools to be used by these communities in their dealings with the Canadian state. However, they are bound to clash when the issue of territory is addressed.

As of December 2004, there were 77,626 Aboriginal persons in Québec, living in 58 communities scattered all over the provincial territory.[15] They belong to eleven ethnic groups: Inuit, Cree, Mikm'aq, Malecite, Algonquin, Huron (Wendat), Innu (Montagnais), Abenaki, Atikamekw, Naskapi and Mohawk.[16] Besides the land they share with people of European lineage,

they occupy 14,786.5 km^2.[17] In that province, both Aboriginal peoples and Québécois of French origin claim historical legitimacy to govern themselves and determine their own future under the internationally accepted right to self-determination. As they consider themselves nations, they also claim their right to practice self-determination within a certain territory. To the extent that large areas of the same territory are claimed by both groups, Aboriginal claims in Québec overlap with the ones of Québec nationalists.

This confrontation reached a peak in 1995, when the government of Québec attempted to obtain a popular mandate to create an independent country out of this province. Aboriginal peoples in the province rejected the project, considering it unilateral and undemocratic.[18] They defended their right to decide their future, and they organised parallel consultations in which they rejected the sovereignty project and asserted the right of Aboriginal peoples to stay in Canada if they so wished.[19] From then on, Aboriginal peoples in Québec have affirmed that if the Québec government is able to lead the province to quit Canada based on the international right to self-determination, then under the same right they may also decide to quit Québec. In other words, if Canada is divisible on self-determination grounds, so is Québec.[20]

This sour confrontation of nationalisms has given birth to a series of myths, which are often used either by Québec or Aboriginal leaders as arguments in the political debates engendered by this confrontation. Similar to many myths, they are partially based on facts. However, these facts are either incomplete and thus present a one-sided

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[14]   Alan Cairns, *Citizens Plus: Aboriginal Peoples and the Canadian State* (Vancouver: UBC Press, 2000) at 166.

[15]   Government of Canada, "Indian and Inuit Populations in Québec as of December 31, 2004," online: Department of Indian Affairs <http://www.ainc-inac.gc.ca/qc/aqc/pop_e .html>.

[16]   Michel Noël, *Le Québec amérindien et inuit* (Quebec City: Sylvain Harvey, 1997) at 21.

[17]   Government of Québec, "Eleven Contemporary Nations," online: Secrétariat aux Affaires autochtones <http://www.autochtones.gouv.qc.ca/publications_document ation/publications/onze_nations_en.pdf>.

[18]   The Cree were the most vocal group in that rejection; see their comprehensive position in Grand Council of the Crees (of Québec), *Sovereign Injustice: Forcible Inclusion of the James Bay Crees and Cree Territory into a Sovereign Quebec* (Nemaska: Grand Council of Crees (of Québec), 1995).

[19]   The Cree voted 96.3 percent to stay in Canada, with a turnout of 77 percent. The Inuit voted 96 percent rejecting Québec sovereignty, with a 75 percent turnout. See Jill Wherrett, *Aboriginal Peoples and the 1995 Referendum: A Survey of the Issues* (Ottawa: Library of Parliament-Research Branch, 1996) at 6.

[20]   Claude G. Charron, *La partition du Québec: de Lord Durham à Stéphane Dion* (Montreal: VLB, 1996).

picture of reality, or are interpreted in distorting ways. Since this article seeks to understand the origins of this clash of nationalisms, it is important to analyze these myths and sort fiction from reality.

FIRST MYTH: NATIVE PEOPLES ARE AN INSTRUMENT OTTAWA USES TO UNDERMINE QUÉBEC'S NATIONALISM

This myth acquired credence in the aftermath of the Oka crisis during the summer of 1990 and became widely supported by nationalist circles. It was articulated in a book written by Robin Philpot.[21] According to Philpot, Aboriginal peoples in Québec are a puppet manipulated by Ottawa to undermine Québec's national aspirations from within. Aboriginal peoples' allegiance to Ottawa is demonstrated by the fact most of them speak English, and they insist in dealing directly with the federal government instead of addressing their claims to Québec.

The realities concealed by this myth are manifold. Above all, if Aboriginal peoples are hostile to Québec's independence, it is not because they are manipulated by Ottawa but because Québec nationalists refuse to fully recognize that Aboriginal claims to self-determination have the same validity and scope as Québec's. In fact, international law supports self-determination mostly for peoples living under colonial situations, deprived of sovereignty, and suffering from oppression, racial and cultural discrimination.[22] This is exactly the situation under which most Aboriginal peoples in Canada have lived for decades, whereas Québec shares sovereignty with the government of Canada. So, under international law, the Aboriginal peoples have a stronger case for self-determination than does Québec.[23]

Aboriginal groups rightfully fear the consequences that the eventual independence of Québec might have on their future, because indications that their rights would be recognized in an independent Québec, at least to the extent that they currently are in Canadian law, are ambiguous at best. During the 1995 referendum campaign, art. 8 of Bill 1, *An Act respecting the future of Québec*, recognized the status of Aboriginal peoples as nations, their right to self-government and their existing constitutional rights, but also clearly stated that these rights were conditioned on the integrity of Québec's territory.[24] As a result, there was a restriction imposed upon the right of Aboriginal peoples to govern themselves and their ancestral territories from the outset, both important components of self-determination as defined by international law.[25] It is a sad paradox that proponents of Québec independence appealed to an internationally enshrined right to decide their own future, while at the same time denying it to Aboriginal peoples.

Moreover, Québec's pro-independence government acknowledged it was willing to recognize Aboriginal rights only because it was a necessary condition for the acceptance of an independent Québec by the international community.[26] That is, art. 8 of Bill 1 expressed a political strategy rather than a sincere belief in the legitimacy of Aboriginal rights.

This approach explains why Aboriginal peoples were never consulted in the drafting of the Bill or for any other matter regarding the set-up of the sovereignty project. The commission established in the months prior to the referendum to gather public opinion in Québec regarding the sovereignty project, held meetings in every region of the province, and established special sub-commissions for youth and the elderly. However, there were no such efforts to hear and discuss the concerns of Aboriginal peoples. Their concerns were simply merged into the regional

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[21]   Robin Philpot, *Oka: Dernier alibi du Canada anglais* (Montréal: VLB, 1991).

[22]   *Reference re Secession of Quebec*, [1998] 2 S.C.R. 217.

[23]   Mary-Ellen Turpel-Lafond, "Oui the People? Conflicting Visions of Self-Determination in Quebec" in Bruce Hodgins & Kerry Cannon, eds., *On the Land: Confronting the Challenges to Aboriginal Self-Determination in Northern Quebec and Labrador* (Toronto: Betelgeuse, 1995) 43 at 53.

[24]   1st. Sess., 35th. Leg., Québec, 1995. A former version of this law did not explicitly recognize the existing constitutional rights of Aboriginal peoples. See, Draft Bill, *An Act respecting the sovereignty of Québec*, 1st. Sess., 35th. Leg., Québec, 1994, art. 3.

[25]   International Labour Organisation, *Convention 169 on Indigenous and Tribal Peoples in Independent Countries* (Geneva: ILO, 1989), especially arts. 7 and 13-15.

[26]   David Cliche *et al.*, "Commentaires" in Pierre Trudel, ed., *Autochtones et Québécois: la Rencontre des nationalismes; actes du colloque tenu les 28 et 29 avril 1995, au Cégep du Vieux-Montréal* (Montréal: La Société Recherches Amérindiennes au Québec, 1995)141 at 145-146. David Cliche was parliamentary assistant to the Premier of Québec on Aboriginal issues at the time.

commissions, and were thus treated as those of any other Québec minority, with no recognition whatsoever of their special rights.

In other words, while Québec nationalists were elaborating a project to build a new country, arguing the internationally enshrined right to self-determination of peoples, they acted in a unilateral, imperialistic, neo-colonial way towards Aboriginal groups. The hypothetical Québec republic would seemingly be a unitary state, which would consider all of its inhabitants as plain citizens without regard to special rights to self-determination for Aboriginal peoples. The Québec state would treat them as minorities; that is, exactly the way Québécois presently refuse to be treated by the Canadian state. In the tradition of the French absolutist state, Québécois supporting independence seem to assert: "La nation c'est moi."

During the Oka crisis, progressive Canadians stood in defence of Aboriginal peoples in Québec, a situation that was offered as further evidence of Ottawa's conspiracy to discredit Québec over its treatment of Aboriginal peoples. This alignment of interests, however, was not unusual. Left-wing groups and intellectuals throughout Canada tend to be against the violation of civil and Aboriginal rights by any government in any province within Canada, be it in British Columbia, Nova Scotia or Québec. Ottawa could not possibly have manipulated these critical political actors who, in fact, also targeted the federal government over the way it managed the crisis. To pretend otherwise is to ignore the important political debate that was occurring in the rest of Canada. To be sure, some rhetorical excesses against Québec were also committed, but they do not negate the basic political dynamics just outlined.

If most Aboriginal peoples in Québec or elsewhere speak English rather than French, it is because of specific historical realities. For centuries, their main everyday interlocutors were either Protestant missionaries, Hudson Bay Company (HBC) traders, representatives of the British Crown, or, more recently, representatives of the federal government, all of whom spoke English. Besides, until the 1960s, the government of Québec refused to provide education to Aboriginal communities within the province,

under the excuse that Aboriginal issues fall within federal jurisdiction.[27] The federal government thus provided educational services mostly in English.[28]

This being said, many Aboriginal individuals in Québec do speak French. Most of them descend from the peoples who became allies of the French in the early times of colonization, like the Wendat, Mikm'aq, Algonquin, or Abenaki, who developed military and commercial relations with these European settlers with the help of Jesuit missions.[29] Old alliances last; they have left their imprint on the languages used by the Indians to relate to modern society and the extent to which they mixed with descendants of either the French or British settlers.

Finally, if Aboriginal peoples, during the Oka crisis or at any other moment, insist on dealing with the federal government rather than the Québec government, it is because Ottawa is their main interlocutor in the Canadian legal system. Indians and Inuit are a matter of federal jurisdiction under the *Constitutional Act, 1867*,[30] and the federal government has fiduciary obligations towards them. Their rights and obligations lie in a contract with the federal government, not with the provinces. Even if provinces may be involved in land-related negotiations with First Nations or Inuit, any agreement must also be negotiated with or, at the very least, ratified by the federal government in order to acquire legal validity.

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[27] See *infra* note 30.

[28] Brian Callaghan, *Inuit Educational and Language Programs in Nouveau Québec, 1912-1991* (M.Ed. Thesis, University of Alberta, 1992) [unpublished] at 110.

[29] Alain Beaulieu & Roland Viau, *La Grande Paix: chronique d'une saga diplomatique* (Montréal: Libre Expression, 2001) at 15. See also Olive P. Dickason, *The Myth of the Savage and the Beginnings of French Colonialism in the Americas* (Edmonton: University of Alberta Press, 1997) at 235-270.

[30] 30 & 31 Victoria, c 3 (U.K.), s. 91 (24). The Inuit are included under this federal jurisdiction (*Re Eskimos*, [1939] S.C.R. 104), but whether the Métis are a federal responsibility is a matter of ongoing dispute; see Mark Stevenson, "Section 35 and Métis Aboriginal Rights: Promises Must Be Kept" in Ardith Walkem & Halie Bruce, eds., *Box of Treasures or Empty Box? Twenty Years of Section 35* (Penticton: Theytus Books, 2003) 62 at 65.

Second myth: Native peoples are treated better in Québec than in the rest of the Canadian provinces

The James Bay Agreement (JBA) — concluded between the Cree, the Inuit and the government of Québec in 1975 and later ratified by the federal government[31] — is portrayed by nationalist Québécois as proof of the will of the government of Québec to come to terms with Aboriginal claims in a consensual manner.

Again, this myth plays on half-truths and fictions. True, socioeconomic indicators regarding Aboriginal peoples may show they are better off in Québec than in other Canadian provinces, but Aboriginal persons in the French-speaking province are worse off in terms of employment, suicide rates, health, education, housing, etc., than the average Québécois. Besides, unlike in other Canadian provinces, no Aboriginal individuals hold senior positions within the Québec government's institutions — the National Assembly, the cabinet, senior bureaucracy, political parties, etc. — who could speak on behalf of their peoples and have some influence on public decisions affecting them.[32]

In 1983, the Council of Ministers of the government of Québec issued a document known as the "Fifteen principles" with the purpose of guiding its policies towards Aboriginal peoples.[33] The first principle states Aboriginal groups are distinct nations, endowed with the right to develop their own identity.[34] But the third principle explicitly states that "les droits des autochtones doivent être exercés par eux au sein de la société québécoise et ne sauraient par conséquent

impliquer des droits de souveraineté."[35] Principle eleven maintains the same tone: Québec is open to consider that existing rights protected by the *Royal Proclamation of 1763*[36] might be recognized; however, actual recognition is not guaranteed.[37]

In 1985, the Québec National Assembly ratified the principles in a declaration which allowed Aboriginal peoples in Québec "to develop as distinct nations with their own identity, exercising their rights within Québec" and recommended that the provincial government conclude agreements with them.[38] The idea is thus the same: Aboriginal peoples may be recognized as nations provided they accept that the ultimate sovereignty belongs to the government of Québec.

The JBA was reached after comprehensive negotiations whereby the provincial government gave Aboriginal peoples important financial compensation in exchange for their acquiescence to the construction of large hydro-electric projects in their traditional territories. However, Aboriginal peoples were also compelled to give up something far more important: their rights over those lands. Extinguishment of rights was the ultimate goal of non-Aboriginal negotiators, the Québec government among them. The agreement was concluded by a government that did not favour independence, yet it was nonetheless expanded and ratified by a pro-independence government. The paradoxical behaviour goes on: a government that claims for itself the right of self-determination as an absolute, eternal right, seeks the extinguishment of that right for other peoples.[39]

The huge hydro-electrical projects carried out in Northern Québec have had important environmental impacts, affecting the caribou and

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31   The Naskapi living in Québec joined the agreement in 1978. From then on, the JBA was formally called the "James Bay and North-Eastern Québec Agreement." It was implemented federally by the *James Bay and Northern Québec Native Claims Settlement Act,* S.C. 1976-1977, c. 32, and provincially by the *Act Approving the Agreement Concerning James Bay and Northern Québec*, S.Q. 1976, c. 46.

32   Renée Dupuis, *Justice for Canada's Aboriginal Peoples* (Toronto: James Lorimer, 2002) at 20-21

33   Included as Annex IV in Trudel, *supra* note 26 at 192-193.

34   *Ibid*. at 192.

35   *Ibid.*

36   *Royal Proclamation, 1763*, R.S.C. 1985, App. II, No. 1.

37   Trudel, *supra* note 26 at 193.

38   Quoted in Renée Dupuis, "Les politiques canadiennes et québécoises relatives aux Autochtones" in Trudel, *ibid.*, 56 at 65-66 [author's translation].

39   Paul Rynard, "'Welcome in, but Check you Rights at the Door': The James Bay and Nisga'a Agreements in Canada" (2000) 23 : 2 Canadian Journal of Political Science 211 at 217-218.

fishing supplies in that land.[40] Regardless of whether this situation was intended or even foreseen by the Québec government, the reality is that it has disturbed the ability of Aboriginal peoples to pursue their traditional lifestyle, their everyday lives and their ability to escape from marginality in many ways. As in any other province, financial compensation is not accompanied by social programs, which makes this second myth untenable.

THIRD MYTH: QUÉBÉCOIS ARE MORE RACIST TOWARDS ABORIGINAL PEOPLES THAN THE REST OF CANADIANS

This myth has been spread by opponents of Québec's independence, convinced that independence is a project dictated by primitive ethnic nationalism, comparable to the ones that gave birth to fascism and nazism. They nourish this vision with interpretations of Québec nationalism elaborated notably by Pierre Elliott Trudeau and, more recently, writer Mordecai Richler. The latter author recalls how racist — and more specifically, anti-Semitic — nationalist Québécois were around the time of World War II; a fact validated by recent historical research.[41]

This myth builds on an important ambiguity entrenched in Québec's nationalist discourse and practice. Québec's nationalism has gone through a series of significant conceptual transformations. Originally, descendants of French immigrants called themselves "*les Canadiens*," not only because Canada was originally limited to what is now the St. Lawrence valley, but also because descendants of British settlers considered themselves British only. The creation of the Canadian federation and its gradual coming of age as an independent state stripped "*les Canadiens*" of their distinct identity, which thus needed to be qualified. That was the origin of the term "French

Canadian," whose purpose is to draw a line between "*les Canadiens*" and the newly converted Canadians. Associated sometimes with a "people," usually with a "nation," often with a "race," this new term would become the main identifier for people of French descent living anywhere in Canada.

The Quiet Revolution and the rise of radical nationalism produced a new identity shift. Rejecting their belonging to the already well-established Canadian state, French Canadians started to call themselves Québécois, a process that was consolidated with the creation of the Parti Québécois in 1968. This seemingly innocuous twist of words had important political consequences. The French Canadian identity became circumscribed to a provincial territory. From then on, the Québécois would be both French Canadians and residents of Québec: nationality within the French Canadian nation became synonymous with citizenship within the province of Québec. Non-French Canadians living in Québec, including English Canadians, immigrants and Aboriginal peoples, were included by default under the new label. Conversely, French Canadians living outside Québec were excluded from, and indeed abandoned by, the nationalist project promoted from Québec.[42]

The ambiguities promoted by this identity shift are at the centre of many controversies and political misunderstandings. The reality is that the French Canadian nation and the province of Québec overlap, but they are simply not the same thing. To put it another way, belonging to the French Canadian nation is not synonymous with being a citizen of Québec. Proponents of Québec independence have tried to bridge the gap using the French language as an equivalent of the nationality bond (the "imagined community") to include non-French Canadians living in Québec into the nationalist project. They also defend the principle of a "civic nationalism" that would allow any non-French Canadian to be included into the nationalist project.

However, these bridges are clearly not enough; the core of Québec neo-nationalism is

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[40]   Alan Penn, "Uneasy Coexistence: La Grande and the James Bay Cree" in Hodgins & Cannon, *supra* note 23, 129.

[41]   Pierre E. Trudeau, *Federalism and the French Canadians* (Toronto: Macmillan, 1968) at 169 and *The Essential Trudeau* (Toronto: McClelland & Stewart, 1998) at 108-116; Mordecai Richler, *Oh Canada! Oh Quebec!: Requiem for a Divided Country* (Toronto: Penguin Books, 1992). On racism in Québec's past, see Esther Delisle, *The Traitor and the Jew: Anti-Semitism and Extremist Right-Wing Nationalism in Québec from 1929 to 1939* (Montreal: R. Davies Publishing, 1993) and, from the same author, *Myths, Memory and Lies: Québec's Intelligentsia and the Fascist Temptation, 1939-1960* (Westmount: R. Davies Multimedia, 1998).

[42]   Marcel Martel, *Le Canada français: récit de sa formulation et de son éclatement, 1850-1967* (Ottawa: La sociét historique du Canada, 1998) at 20-27.

still defined in terms of French Canadian nationalism. This reality was made clear in a clumsy way by Premier Jacques Parizeau's catastrophic declaration the evening of the 1995 referendum, blaming "money and the ethnic vote" for the defeat of the independence option.[43] Rephrasing that declaration within my framework of analysis, Parizeau made the point that the economic elites (of which English Canadians represent an important part) and other non-French Canadians living in Québec failed to embrace the French Canadian nationalist project of transforming the French Canadian defined nation into a sovereign state.

The myth nonetheless magnifies this ambiguity of Québécois nationalism and makes a bogeyman out of it. Earlier this century, racism was common currency all over Canada.[44] Moreover, the term "race" was used as an equivalent of "nation." Fortunately, these attitudes have faded, having come under attack since the adoption of the *Canadian Charter of Rights and Freedoms* in 1982.[45] The net result is that racist discourse is now less prominent in Canada, be it in Québec or elsewhere, especially if we compare Canadians to their neighbours to the south.

Specifically regarding Aboriginal peoples, three out of every four Canadians believe Aboriginal cultures are beneficial to Canada and therefore should remain strong.[46] Significantly less (53 percent) think their land claims should be settled and Aboriginal peoples given self-

government.[47] However, even fewer Canadians consider that improving the living conditions of Aboriginal peoples should be a high priority for the federal government.[48] Québec is no exception to those trends. In 2003, 47 percent of Québec respondents thought Aboriginal claims are mostly valid.[49] However, the following year, only 22 percent of respondents in that province considered that improving the quality of life of Aboriginal peoples should be a high priority for the federal government.[50]

THE SEARCH FOR RECOGNITION

I believe it is possible to go beyond the current clash of nationalisms in Québec through an honest review of the assumptions at the basis of apparently irreconcilable approaches.

First, a nation is not the only possible form of recognition of the right of human communities to be different and take their own affairs in hand. If this applies to nations, it especially does to nation-states. As James Tully points out, the nation-state form of recognition has been dominant and prestigious since the creation of modern states, but it would be impractical, and politically non-viable, to extend this form of recognition to the over fifteen thousand cultural communities existing in the world today that may claim nationhood.[51]

Furthermore, the prevailing vision of nation-state was elaborated within the Western political tradition of the eighteenth and nineteenth centuries. This vision emphasizes the need for a homogenizing principle as the core of the state, a common single identity that would act as articulator of that political entity. That was the role assigned to nationhood. Homogeneity usually involves some degree of centralism as well, to the extent that a central government is supposed to represent the "national soul." This kind of vision is portrayed in J. G. Fichte's *Addresses to the German nation*, in J. Seeley's *The Expansion of*

[43]   Michel Venne, "Rethinking the Nation, or How to Live Together" in Michel Venne, ed., *Vive Québec! New Thinking and New Approaches to the Québec Nation* (Toronto: James Lorimer, 2001) 5.

[44]   For example, restrictions to immigration of non-European people, the existence of a Canadian Ku Klux Klan, the internment of Japanese and German Canadians during World War II, the forced relocation of Inuit communities in the early 1950s, and residential schools for Aboriginal children, among other disturbing occurrences. See Normand Lester, *The Black Book of English Canada* (Toronto: McClelland & Stewart, 2002) and Stanley A. Barrett, *Is God a Racist? The Right Wing in Canada* (Toronto: University of Toronto Press, 1987).

[45]   Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11.

[46]   "The CRIC Papers (#14). Facing the Future: Relations Between Aboriginal and Non-Aboriginal Canadians" (June 2004) at 12, online: Centre for Research and Information on Canada <http://www.cric.ca/pdf/cahiers/cricpapers_june2004.pdf>.

[47]   *Ibid.*

[48]   29 percent ("The CRIC Papers (#16). Portraits of Canada 2004" (January 2005) at 2 and 11, online: Centre for Research and Information on Canada <http://www.cric.ca/pdf/cahiers/cricpapers_jan2005.pdf>).

[49]   *Supra* note 46 at 20.

[50]   *Supra* note 48 at 11.

[51]   James Tully, *Strange Multiplicity: Constitutionalism in an Age of Diversity* (Cambridge: Cambridge University Press, 1995) at 8.

England and, paradoxically, in *The Federalist Papers*.[52] It is especially strong in the French tradition where, under King Louis XIV, Cardinal Richelieu built the nation-state with an iron fist against regional powers and at the expense of the different cultures (nations) the kingdom encompassed.[53] In France, the French (Parisian) language was a powerful political tool for assimilation and annihilation of the rich variety of local cultures comprised within the borders of the state — Catalan, Provençal (langue d'oc), Basque, Breton, Corsican, Flemish, German, Italian. The Republic simply carried on this tradition, pushing regional harmonization even further in the name of national unity.

Clearly, this vision of the nation does not allow for the coexistence of different identities within a single state; rather, it leads to competition between nations to be the one to prevail, often by violent means, in a zero-sum situation. Coexistence asks for institutional forms of accommodation, in which the different nations may express themselves and exercise self-determination without putting in jeopardy state unity. These features fit with the principle of authentic federalism: autonomy for the constituent units; some powers devolved to the central government; the units working mainly for their self-interest in local matters, the central government mainly for state unity.

There is no reason why this could not be put into practice in Québec. Paradoxically, even if nationalist Québécois despise the federal status quo in Canada, true federalism may be the key to reconcile Québec and Aboriginal nationalisms, both with one another and with Canadian nationalism. As Carol Hilling points out,

> [J]e ne vois pas pourquoi l'intégrité des territoires autochtones serait nécessairement incompatible avec l'intégrité du Québec au sens du droit international. La division du Canada en provinces, par exemple, n'a jamais eu pour conséquence de remettre en question l'intégrité territoriale du Canada.... L'intégrité des territoires autochtones peut fort bien être respectée à l'intérieur des frontières de l'État.[54]

Furthermore, if they so wished, Québécois and Aboriginal peoples might even become powerful constitutional allies for reshaping the Canadian federation along multinational lines.

Hilling's starting point for mutual recognition seems promising because some kind of recognition of Québec and Aboriginal peoples is built into existing Canadian law and institutions. The first such basis is *The Royal Proclamation of 1763*, in which the British crown simultaneously granted Québec the status of a British colony and protected Aboriginal peoples from deprivation of their lands and resources. With this legal instrument, Québec and Aboriginal peoples acquired legal personality within the British legal apparatus at the same time. This proclamation, still upheld today, laid down the bases for subsequent recognition of Aboriginal rights. Québec obtained its equivalent legal instrument eleven years later, with the *Québec Act, 1774*,[55] which recognized the right of Québec to be different in terms of religion, law and language.

Second, the *Constitution Act, 1982*, including the *Charter*, also implies a basis for mutual recognition. The amending formula (s. 38), although never formally accepted by the government of Québec, gives the French-speaking province a potential veto power, since any constitutional amendment must be approved by at least two-thirds of the legislative assemblies of the provinces in which at least 50 percent of Canada's population lives. Effectively, this formula means that no amendment can be approved without either Québec's or Ontario's consent. As for Aboriginal peoples, this constitutional text recognizes the rights enshrined in the *Royal Proclamation* and the ones resulting from land claims and treaties (ss. 25 and 35).

There is, then, a legal basis for mutual recognition

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52   *Ibid.* at 7. Johann Gottlieb Fichte, *Addresses to the German Nation*, trans. by R. F. Jones & G. H. Turnbull (Chicago: The Open Court Publishing Company, 1922); Sir John Robert Seeley, *The Expansion of England: Two Courses of Lectures* (London: Macmillan, 1911); and, Alexander Hamilton *et al.*, *The Federalist Papers* (New York: New American Library, 1961).

53   Aldous Huxley, *The Devils of Loudun* (New York: Barnes & Noble Books, 1996).

54   "L'avant-projet de loi sur la souveraineté du Québec et les peuples autochtones" in Trudel, ed., *supra* note 26, 134 at 137.

55   (U.K.), 14 George III, c. 83.

within the framework of existing institutions. The main obstacles to this recognition are thus not legal, but political. However, there is room and, indeed, there is a necessity to go beyond the current state of confrontation, because

> Québécois et autochtones souhaitent l'autonomie et ont un projet nationaliste. Ils cherchent la reconnaissance d'un droit à l'auto-détermination et de leur existence comme peuples. Ni le Québec ni les peuples autochtones ne peuvent logiquement nier à d'autres le droit qu'ils réclament pour eux-mêmes. Les uns et les autres veulent lever ce que d'aucuns appellent le joug du colonialisme et du paternalisme; les uns et les autres ont intérêt à trouver leur niche constitutionnelle particulière. *Et il y a là une convergence politique.*[56]

I am convinced that many political problems in Canada originate in a lack of understanding of history and of what made this country possible the way it is. Many answers to Canadian dilemmas lie in alternatives that were abandoned in the past. We need to recall some historical facts which show that convergence between Québec and Aboriginal peoples is not only possible, but had also been a reality during the nineteenth century.

In the nineteenth century, there was indeed a close relationship between French Canadians and Aboriginal peoples. This closeness explains the birth and development of the Métis culture west of Québec's heartland, which constituted a continuity between the Québec *habitant* and Native populations on the land and along trade routes. The Métis culture is proof of the possibility of co-operation and understanding between French Canadians and Aboriginal peoples. Most Métis descend from French and Scottish ancestors who intermarried with Aboriginal peoples. During the nineteenth century, Métis of Scottish heritage were often known as "Half-breeds" rather than Métis. These groups became mediators between European traders and settlers and Indians living on the land. Over time, they developed a distinct cultural identity, neither European nor Indian, with several original attributes: a way of life, attachment to a specific territory, specialized economic activities, a language — the Michif, a mix of French, English, Cree and Ojibway[57] — clothing and food habits, etc. The Cree called them "Otehpayimsuak," literally "their own boss," meaning "the independent and self-reliant ones." No wonder they soon acquired a sense of autonomy and sought self-determination. They were able to assert this autonomy when they defeated the Sioux (Lakota) Indians over the buffalo hunt, and again in 1849, when they broke the monopoly of the powerful HBC over fur trade with the United States.[58]

The centre of the Métis culture was the Red River settlement; they constituted over 80 percent of this settlement's population.[59] They became concerned about the takeover of their settlement and hunting lands by the Canadian government in 1869, when Ottawa purchased these lands from the HBC. The Métis seized the administrative centre of the region and established an autonomous provisional government to negotiate with Ottawa the terms of their inclusion into the newborn Canadian federation. Under the leadership of Louis Riel, the provisional government was able to unite the Métis and the Halfbreed around a common political project. They would eventually obtain what they wanted: an elected legislature; their own members of parliament in Ottawa; official status for both French and English languages; local control of education; protection for the Catholic faith; and, 1.4 million acres of land promised to the Métis. Recognition of Métis rights was accompanied by the creation of the province of Manitoba in May

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56   René Boudreault, "Par-delà nos différends juridiques: à la recherche d'une réciprocité" in Michel Seymour, ed., *Nationalité, citoyenneté et solidarité* (Montréal: Liber, 1999) 341 at 348 [emphasis added].

57   Interestingly, these four languages are still the most used in Canada. The first two are the official languages, the other two are the Indian languages most widely spoken and with best possibilities of survival. Cree is spoken by about 50 percent of the 120,000 Cree, while Ojibway is used by 40 percent of the 75,000 people belonging to this group living in Canada. See Renée Dupuis, *La question indienne au Canada* (Montréal: Boréal, 1991) at 32. A study carried out by Statistics Canada comes to a similar conclusion, with data updated to 1996: 87,555 people speak Cree, and 25,885 speak Ojibway; see Mary Jane Norris, "Canada's Aboriginal Languages" (1998) 51 Canadian Social Trends 8 at 13.

58   Emma LaRocque, "Native Identity and the Métis: Otehpayimsuak Peoples" in David Taras & Beverly Rasporich, eds., *A Passion for Identity. Canadian Studies for the 21st Century* (Scarborough: Nelson Thomson, 2001) 381-399.

59   *Ibid*. at 385.

1870, the first new province to join the federation created three years earlier.

Métis settlers west of Manitoba attempted to repeat the exploit fifteen years later, now allied to Blackfoot and Cree Indian groups. Even more than in the past, they were wary of the federal government, because it had only partially honoured the promises made in Manitoba regarding land. The Métis had been dispossessed from their land grants through a mixture of manipulation, maladministration, coercion and speculation.[60] The settlers asked Riel, in exile in the United States since 1874, to lead their movement, and he agreed. After sealing alliance with Indian leaders, they issued a "Bill of Rights" that compounded Indian grievances with Métis land claims, and control of natural resources. If these demands were not met, they were ready to create an autonomous British colony, separate from Canada.[61]

This time, however, the movement faced adamant resistance from Ontarians, supported by Ottawa. The Métis organised armed resistance, under the leadership of Riel and Gabriel Dumont, a charismatic buffalo hunter and negotiator. They were defeated in May 1885. Riel was tried and charged with high treason, and hanged on November 16, 1885.

Québec supported the Métis movement politically and ideologically. There was a measure of solidarity towards francophone Métis in the province. The solidarity of Québécois came from the fact that they saw the Métis as an outgrowth of the French Canadian nation, a feeling shared by Riel himself.[62] His execution provoked outrage in Québec. Newspaper articles expressed the popular mood: "The cause of the Métis is dear to us"; "We are too closely related to be indifferent to their fate"; "Riel is only a symbol: it's the French-

Canadian and Catholic element that they'd like to see dancing at the end of a rope."[63]

Thus, the Métis were seen in Québec as the standard-bearers of the French Canadian nation in the newly colonized western Canadian lands. In Montréal, a crowd of 50,000 people — the biggest popular demonstration thus far in that city — gathered to listen to thirty-seven speakers condemn the decision to execute Riel. Honoré Mercier, leader of the provincial Liberal Party, capitalized on that show of popular outcry. Mercier declared in his speech to the masses that Riel's execution was "a blow struck at the heart of our race" because Riel was a "brother of the Northwest" to French Canadians.[64] He built on that mobilisation to create a National Party, uniting the Liberals and radical Catholic Conservatives for the defence of the French Canadian nation. He was able to form a national unity government in 1887.

TOWARDS A COMMON QUEST FOR RECOGNITION?

As we saw, in the past, Québécois and Aboriginal peoples were drawn towards each other because they were both populations marginalized by British colonialism. The dawn and fall of Métis nationalism was a rallying cause for their nationalisms. Today, both groups are struggling to obtain recognition and protection of their collective rights from the Canadian state. Thus, their interests are similar. Instead of trying to exclude each other, Québécois and Aboriginal peoples might be interested in finding a common ground not only for mutual recognition but also for a common struggle to reshape the Canadian federation, taking their national interests into account.

Acknowledgement of this history may be the basis for reconciliation and mutual recognition of competing nationalisms. Maybe the revival of the "Riel spirit," the feeling of belonging to the same

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[60] Paul Chartrand, "Aboriginal Rights: The Dispossession of the Métis" (1991) 29 Osgoode Hall Law Journal 457.

[61] John F. Conway, *Debts to Pay. A Fresh Approach to the Québec Question* (Toronto: James Lorimer, 1997) at 37-38

[62] In 1869, the Red River provisional government adopted as its symbol a flag with the *fleur-de-lys* (white lily) symbol, to underline its allegiance to its French roots. The *fleur-de-lys* would later become the official crest of Québec, as seen in its

[62] contemporary flag, adopted in 1948. See "Un drapeau pour le Québec," online: Radio-Canada <http://archives.radio-canada.ca/IDC-0-17-527-2591-10/politique_economie/drapeau_fleurdelise_quebec/>.

[63] Quoted in The Institute for Research on Public Policy, ed., *As I recall/Si je me souviens bien Historical Perspectives* (Montréal: IRPP, 1999) at 70-72.

[64] Paul Romney, *Getting it Wrong. How Canadians Forgot Their Past and Imperilled Confederation* (Toronto: University of Toronto Press, 1999) at 135.

cultural community, is the starting point for mutual recognition through a shared identity composed by equal parts of the two nations. Certainly, this fusion around the Métis nationalism is now mostly symbolic. Over the course of over one century, the Métis, Québec and Indian nationalisms have developed along different lines. The integration of this past into the respective nationalistic narratives, however, may become a powerful political tool for reconciliation.

Whether this reconciliation is a step towards the reform of federalism or a previous stage towards independence of Québec is a matter that must be decided afterwards by the concerned actors. But it is clear that Québec cannot afford to bypass the participation of Aboriginal peoples in this decision. In fact, the government of Québec has the opportunity to show to the rest of Canada and to the world, through the concrete example of its treatment to Aboriginal peoples, just what "respecting the differences," "honouring the right to self-determination," and "a pact between nations" mean. It just cannot afford to behave in an imperialistic, neo-colonial way while accusing Ottawa of doing so, thus giving credence to those who contend that Québec nationalism is exclusionary and ethnocentric. Québec nationalists could also reconcile themselves with French Canadian nationalism, thus embracing and supporting French Canadian communities outside Québec.

Mutual recognition is important not only to solve disputes within Québec, but also to seek a recasting of the Canadian federation. Together, Aboriginal peoples and Québécois can push Ottawa and the other provinces to correct the shortcomings of Canadian federalism that affect their ability to fully exercise their right to self-determination. Authors such as Guy Laforest and Roger Gibbins, Bernard Cleary, René Boudreault and Michel Seymour have suggested this joint effort.[65] Boudreault identifies a series of convergences between Aboriginal peoples and Québécois, beyond the constitutional debates:

a) Political: both populations seek the recognition of collective rights, associated with autonomy and a nationalist project. Aboriginal sovereignty may be harmonised with and be complementary to sovereignty of the National Assembly through recognition of specific spheres of government.

b) Economic: through the participation of Aboriginal peoples in commonly defined programmes of regional development.

c) Social: through the opening up of social organizations of both nations to participation of each other's members, and co-operation in the management of natural resources and the environment.

d) Cultural: by supporting each other in the defence of their uniqueness in North America, both being minorities and thus threatened by homogenizing forces.[66]

The authors mentioned above have in common a deep comprehension of the respective nationalisms and rights involved and lucidity about the stakes involved. Unfortunately, these features are scarce in the minds and behaviour of most respective nationalist leaders. A first opening seemed possible in 1983, when Premier René Lévesque participated in the first conference for the review of constitutional reforms related to Aboriginal issues, largely because he was asked to do so by Aboriginal groups. At that time, there was a common interest to fight simultaneously for Québec and Aboriginal rights, both overlooked by the constitutional patriation.[67] This co-operation died with the replacement of Lévesque at the head of the provincial government in 1984.

Since then, subsequent nationalist leaders spent their time accusing each other of misunderstanding one another's causes, and trying to make their rights prevail over the ones of the opposite side. Québec nationalists try to subordinate Aboriginal rights to Québec's rights to self-determination — acting as if to say: independence first, then negotiation with

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[65] Roger Gibbins & Guy Laforest, eds., *Beyond the Impasse: Toward Reconciliation* (Montréal: IRPP, 1998); Bernard Cleary, "Les trois peuples fondateurs: l'assise du Canada de demain" in Seymour, ed., *supra* note 56 , 336; Boudreault, *supra* note 56; and, Michel Seymour, *La Nation en question* (Montréal: L'Hexagone, 1999) at 177-189.

[66] Boudreault, *ibid.* at 347-353.
[67] Sylvie Vincent, "Le Québec et les Autochtones: trois décennies de rapports politiques" in Trudel, ed., *supra* note 26, 116 at 123.

Aboriginal peoples. Aboriginal leaders oppose Québec nationalists by underlining their attachment to Canada, thus implicitly endorsing the status quo. However, in their dealings with Ottawa, both groups constantly express their dissatisfaction with the place they occupy in the current federal system. Instead of waging two separate constitutional battles — one against each other and one against the federal government — there is room, I believe, to present a common front before Ottawa with a coherent joint strategy and a single objective in mind: reform of federalism to recognize national rights.

Back in 1990, in the aftermath of the failure of the Meech Lake Accord, then-Assembly of First Nations chief Ovide Mercredi paid a visit to Premier Robert Bourassa to propose a strategic alliance for the coming constitutional negotiations. Nobody in Québec, starting with the Premier himself, seemed to give the proposal the historical importance it deserved. Rather, a back-and-forth calumny campaign followed, with Aboriginal and Québec nationalist leaders accusing each other of representing "tribes" instead of nations. The confrontational approach chosen by subsequent pro-independence provincial governments led by Jacques Parizeau and Lucien Bouchard seemed to indicate that the doors were still closed for the reconciliation of nationalisms and mutual recognition.[68]

As for Aboriginal leadership, quite often their strategy consisted of backing Ottawa against Québec in constitutional matters. This was clear in the way the Cree opposed the 1995 referendum on sovereignty. Often at that time, the defence of Aboriginal rights was followed by support of the positions of the federal government in the referendum debate.[69] This strategy may seemingly give more political clout to Aboriginal claims *vis-à-vis* Québec, but it is certainly incoherent to side with the supporters of the constitutional status quo which in other political arenas often overlook the rights of Aboriginal peoples.

More recent developments, however, indicate there is perhaps an effort of mutual recognition and co-operation developing. Quebec's nationalist government led by Premier Bernard Landry made important strides toward the establishment of a new relationship with Aboriginal peoples. First, in February 2002, this government reached an agreement with the Cree known as "The Peace of the Braves." This agreement, valid for fifty years, was explicitly negotiated on a "nation to nation" basis, aiming at the creation of a new "partnership" between them. Legitimated by 70 percent support in a referendum held in all Cree communities within the province, and praised by the leadership of the Cree nation, the agreement provides for Cree involvement in community and economic development of the region and substantial compensation of 3.5 billion dollars, to be delivered to them over the duration of the agreement with an initial payment of 139 million over the first three years. In exchange, the Cree agree to allow major hydro-electric projects to be developed within their traditional territories and to withdraw the multi-billion lawsuits against the Québec government.[70]

Secondly, the same government concluded a preliminary agreement with the Innu, under similar principles of partnership and mutual recognition as nations. This preliminary agreement, called the "Common Approach," was made public in July 2000. Although it simply sets the basis for negotiation of a final agreement in the short term, it nonetheless provides for the creation of an autonomous Aboriginal government in a limited region named Innu Assi, and grants harvesting rights and participation in resource development in a considerably larger area called Nitassinan. Again, there would be a financial

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[68]   Pierre Trudel documents this acrimonious clash of nationalisms in "De la négation de l'autre dans les discours nationalistes des Québécois et des Autochtones" in Michel Sarra-Bournet, ed., *Les nationalismes au Québec du XIXᵉ au XXIᵉ siècle* (Ste.-Foy: Les presses de l'Université Laval, 2001) 203-230.

[69]   See the "Conclusions and Recommendations" issued by the Grand Council of the Crees, *supra* note 18 at 429-460. Several of the 125 recommendations support the views of the federal government in the Canadian unity debate.

[70]   "La 'Paix des Braves' ouvre la voie à une nouvelle ère de coopération et de prospérité pour la région de la Baie-James," online: Premier of Québec <http://www.premier.gouv.qc.ca /general/comuniques/archives_commumiques/2002/fevrier/c om20020207a.htm>.

compensation in exchange for the Innu dropping their legal suits against the province.[71]

However, both processes are explicitly based on the "Fifteen Principles" adopted in 1983 and ratified in 1985, which assert Québec's ultimate sovereignty over the whole territory, stipulate that Aboriginal rights must be exercised within Québec's legal framework, and, most importantly, persevere with the requirement of extinguishment of Aboriginal title as a condition for reaching any agreement.[72]

In conclusion, present prospects for reconciliation of Québec and Aboriginal nationalisms seem promising but still incomplete. There is room, and indeed a real need to move beyond those partial achievements. There is still a good deal of misconception, resentment and misunderstanding *vis-à-vis* Aboriginal peoples in Québec, emanating from vocal nationalist sectors within the province.[73] These attitudes need to be changed if more meaningful progress is to be achieved.

There is even a potential symbol to this reconciliation. The Métis identify a coloured sash as one of the symbols of their nationhood – originally called "L'Assomption sash" after the Québec town where it was produced. A similar sash is also an element of Quebec's self-imagery, where it is called *la ceinture fléchée* and is associated with *les habitants*, the early French rural settlers and colonizers of the Canadian west. Will we one day witness a full reconciliation, symbolized by the Métis sash/Québécois *ceinture fléchée*, as some sort of a wampum belt for the new millennium?

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71 Government of Québec, "Message du ministre [des Affaires autochtones] Rémy Trudel concernant le projet d'entente de principe d'ordre général avec les Innus de Mamuitun et de Nutashkuan," online: Vigile <http://www.vigile.net/ds-societe/docs2/02-8-28-trudel-cris.html>.

72 See the "second myth" discussed above.

73 For instance, see the critique to those agreements issued by Mouvement estrien pour le français, "La Paix des braves," online: Mouvement estrien pour le français <http://www.mef.qc.ca/paix-des-braves.htm>.