

HOUSE OF COMMONS

Monday, March 30, 1992

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

[*Translation*]

ABORIGINAL AFFAIRS

MOTION FOR CREATION OF *SOCIÉTÉ IMMOBILIÈRE OKA-KANESATAKE*

Mrs. Lise Bourgault (Argenteuil—Papineau) moved:

That, in the opinion of this House, the government should consider the advisability of creating the *Société Immobilière Oka-Kanesatake (SIOK)* and to transfer to the *Société* the budget already allocated by Treasury Board for the purposes of negotiating the reunification of lands at Oka-Kanesatake.

She said: Mr. Speaker, when I tabled the motion to create the *Société immobilière Oka-Kanesatake*, there were and, in fact, still are many problems with the difficult negotiations on reunification of Indian lands at Kanesatake and also with the agenda now being discussed with federal negotiator Bernard Roy. Things have come a long way, but even today, the process that was designed to find a comprehensive solution to this very complex problem is terribly slow, which adds to the lack of understanding that prevails between both communities.

Perhaps I could put things into perspective and introduce the many parties that are concerned about the eventual outcome. First, the municipality of the parish of Oka, where about 50 or 60 non-aboriginal families live within the Mohawk lands of Kanesatake.

For the municipalities in the parish it is a very special problem because these families no longer wish to live on federal Indian land. These families are faced daily with the fact that, unlike other Canadians, they do not have peaceful enjoyment of their property, they constantly

feel and are often told, unfortunately, that the place is not theirs, that they are living on Indian lands and that those lands are being claimed and belong to the aboriginal people.

So these white people, these non-aboriginals would like to see this rather unusual situation cleared up as soon as possible. For the municipality, it means losing 50 ratepayers, so it is a rather unusual and in fact unique problem, both for non-aboriginal and aboriginal people in the parish.

In the municipality of the village of Oka, aboriginal people, between 50 and 55 families, live in the village surrounded by non-aboriginal lands. It is more or less a checkerboard situation. We have aboriginals living within lands owned by white people and non-aboriginals living within aboriginal lands. So there is a very real problem.

What jurisdiction applies to an aboriginal person living on federal land in the municipality of the village? Do provincial and municipal laws apply? Does the municipal building code apply? According to a recent judgment in the Jean-Roch Simon case, which is being appealed, the judge said that in the municipality, provincial and municipal laws applied, and just because it was federal land did not mean that these people could build homes that did not conform to the municipal code.

We have the Kanesatake Band Council, whose members were elected by their peers for the first time. This provisional council is supposed to set up a more permanent election procedure, based on their own by-laws, by the end of June 1992. The Band Council is responsible for day to day administration, for all land claims negotiations, for the agenda now being negotiated with the federal negotiator, land reunification, and economic development. In other words, they have a lot on their plate.

There is the federal-provincial negotiating committee which includes the mayor of the parish, Mr. Patry, who was appointed, if you recall, during the crisis in 1990. Mr. Roy had been involved at the time, and was appointed