

Québec City, December 17, 2012

Ms. Martine Ouellet
Minister of Natural Resources
5700, 4^e Avenue Ouest, A 301
Québec (Québec) G1H 6R1

Subject: Advice from the Chairman on the follow-up given by your department to a conciliation request in the context of the Paix des Braves

Dear Ms. Ouellet,

At the December 6, 2012 Board meeting, the members of the Cree-Québec Forestry Board mandated me to write to you in accordance with one of the Board's responsibilities as defined in the *Agreement Concerning a New Relationship between the Gouvernement du Québec and the Crees of Québec* which is to "review the implementation mechanisms for the joint working groups regarding the elaboration, the consultations, and the monitoring of all forest management plans applicable in the Territory" (section 3.30.d).

This particularly concerns the follow-up given by your department to the conciliation request sent to you on September 14, 2012 by Mr. Allan Saganash and Ms. Georgette Blacksmith, Cree members of the Waswanipi Joint Working Group.

Schedule C-4 of the Agreement sets out a process for the preparation and approval of Annual and General Forest Management Plans to ensure that the Crees have the opportunity to participate to and influence this planning based on their concerns and the overall framework of the Agreement's provisions. Embedded within Schedule C-4 are provisions that establish a conciliation process when a conflict occurs between the proposed forest management plans and Cree interests which cannot be settled through discussions held by the Joint Working Groups.

More specifically, provisions C-4 2.2.17-18 and C-4 3.1.32-34 provide the steps that the parties must follow to exercise the conciliation process. The conciliation process also applies in the case of proposed modifications to forest management plans. It must be noted that this conciliation process, once launched, must be applied before the management plans can be approved.

It is in this context that Mr. Saganash and Ms. Blacksmith wrote to you on September 14, 2012 requesting you to appoint a conciliator to resolve a conflict over a proposed road project on Cree trapline W-21A—the details are contained in the letter.

At our last Board meeting, the Cree party brought the issue to the Board members' attention. Representatives from the parties then presented their respective version of the situation. Different views of technical aspects of the case were presented. The facts tabled to the Board show clearly that your department informed the Cree party on October 26, 2012 that the proposed plan and permit had been approved thus allowing the concerned forest company to operate without allowing the formal conciliation process that had been initiated by the Joint Working Group's request presented in mid-September to be completed.

Furthermore, we have obtained, on December 12, 2012, a copy of the response of your Deputy Minister, Mr. Patrick Déry, to Mr. Allan Saganash, dated November 29, 2012. The letter outlines the reasons why your department rejected the use of the conciliation process in this case.

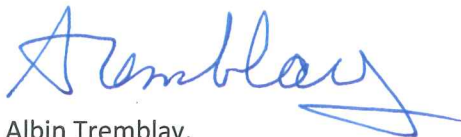
Notwithstanding the reasons given in the response, the text of the Agreement (Schedule C-4, sec. 17 and 32) is clear on the fact that the Minister shall appoint a conciliator when a request is made. The Agreement does not provide that a party may judge of the request's admissibility or the relevance of using conciliation.

The conciliation process is the last resort provided in the Agreement to allow the parties to reach decisions by consensus before letting you, as Minister, exercise your final decision. I believe that your representatives' decision to refuse unilaterally legitimate use of the process of the Agreement is a regrettable decision. In addition to being a non-compliance with the terms of the Agreement, it is likely to undermine the confidence of the Crees, and more particularly tallymen, to the mechanisms of the adapted forestry regime for the territory of the Paix des Braves.

I want to emphasize that the conciliation process of the adapted forestry regime has been used in very exceptional instances since the signing of the Agreement in 2002. In ten years of implementation, less than 5 conciliation requests have been triggered, and, with the exception of one case which is pending, the parties have always been able to resolve the deadlock before a conciliator was appointed.

I therefore submit this advice in the hope that the necessary measures are taken within your department to ensure that such a situation does not occur again and that the parties continue their relationship without compromising the spirit of cooperation and trust necessary to fulfil the objectives of the Agreement.

Sincerely,



Albin Tremblay,
Chairman of the Cree-Québec Forestry Board

c.c. Mr. Matthew CoonCome, Grand Chief, Grand Council of the Crees (Eeyou Istchee)