

July 11th, 2023

Konrad Sioui Transcript

Interviewer: Okay, so why don't you tell me a little bit about what you were doing at the Assembly First Nations.

Sioui: Well, first, my name is Konrad Sioui. I am a member of the Huron-Wendat Nation. I just finished a 12-year mandate as Grand Chief. I've been working with different communities, different nations, also. From 1984 to 1992 I was Regional Chief of Quebec-Labrador, within the Assembly of First Nations. And under the leadership of Georges Erasmus, the National Chief at the time, I was mandated to be in charge of international affairs for the Assembly of First Nations, among other responsibilities.

The fact that I would speak French and we were at the negotiating table, trying to make our place in the newly repatriated constitution being advanced Pierre Elliot Trudeau, I was right in the heart of everything, like I was sitting with Georges Erasmus at the end of a conference and taking questions in French. It was a very important time. We were involved in all kinds of issues, and we had a very powerful Executive Council. In fact, Georges Erasmus himself came from the north, so he had a very wide capacity to see and to get involved with issues that were important from an international perspective. He was a good friend of mine, and I've been working with him very closely.

At the international level, we were already working on the [UN] Declaration on the Rights of Indigenous Peoples. Every summer I would leave Wendake to go to Geneva for four to six weeks, with all the other Indigenous peoples of the world—Māori, aborigines from Australia, Quechua from Bolivia or elsewhere, Yanomami from Brazil, Pygme from Africa, Ainu from Japan, everywhere. And we were working very hard, in fact, to try to come up with a document that would meet our goals and that would be acceptable by nation-states, which was not easy.

Canada was the most fierce objector to our work. Canada was leading the opposition at the time, and they had huge delegations. It was tough for us to advance the wording, 'people' with an 's.' Canada would not want to add an 's' to people. You know, English is not my first language, but I was able to manage it. I also participated in fact-finding missions regarding Indigenous rights in many countries, such as Nicaragua, Peru, Colombia, Brazil, and others.

Interviewer: Can you talk about the years when this was happening? Just to get it more clear in terms of the time.

Sioui: Between 1985 and 1993.

Interviewer: When were the talks around the declaration initiated?

Sioui: They might have been started before I would get involved in '84, but they were at a very early stage. We started to gather together when I arrived at the international level, and there were countries willing to help us out. For example, France, they don't have Indigenous peoples on their land; they might have Indigenous peoples in their colonies, but they were opening the pathways.

At the same time, we were always thinking "How are we going to register with the United Nations?" Are we going to register as an NGO, a nongovernmental organization, while at the same time, presenting ourselves as nations and governments? I had discussions with the Palestinian leadership at the time, and they were saying "Well, we're not coming here as an NGO; you should follow our example". And they gave us some advice and examples on how we should be recognized as more than just an NGO because, as I told you, it was going against our own principles of not calling ourselves non-governmental. We were—and we are—governments, in the full sense of it, as nations, as peoples.

But we saw that the United Nations was not really built to receive Indigenous peoples as nations. In fact, we had to start from scratch, and that's what we did. We remained very strongly together and there was also the creation at that time of the World Council of Indigenous Peoples, put in place by George Manuel. He was a Chief from BC.

Because we would go to the United Nations, and we would, for example, talk about the way the First Nations in Guatemala might be treated by the government in place, that made our trips and our delegations risky. Rigoberta Menchú [from Guatemala] –the winner of the Nobel Peace Prize for 1992, was always with us; she was a good friend of mine. She held an international conference in Guatemala, in which I participated, and a couple of hours later, there was a coup d'état, and we were trapped there. As long as the delegates from Canada were there, the government would not come and arrest her. They would not come and use violence against the people in there, you know, we were like a key, an important key. I remember that a couple of months before the coup d'état, we named Guatemala to be one of the countries at the time that was not fulfilling its responsibility in terms of respecting the human rights for the Indigenous peoples of Guatemala.

Same thing in Colombia, and we went to Nicaragua, Bluefields and these places, and we met with the president of Nicaragua [Daniel Ortega]. We had lunch with him, and I gave a speech to the government and the military establishment of Nicaragua. It was at the time of the Contras and under Ronald Reagan, if I'm right, and the issues with Iran also. So, these missions were dangerous, but it was part of my role at the time. We needed to [include] the Māori and we should not forget also the role of the Indigenous peoples of India and the

Indigenous peoples of the northern part of Scandinavia, including Russia, known as the Sami. The Sami were very well-organized, and they're smart, and they were involved.

Interviewer: So how did you get connected with the struggle against free trade.

Sioui: Well, it came with the NGOs that were close to us. They came to me as the person in charge of international issues, and because free trade became an international issue, it was a question of resources. We were always in court at the time and the repatriated constitution was still recognizing only two founding people, the French and English. We attended those First Ministers' conferences that the Queen asked Pierre Elliot Trudeau to hold, because she said that the honour of the crown was at stake. She said, "I and my father and grandfather, and the Crown have entered into treaties with a number of these nations over there in Canada, and the honour of the crown is at stake". It was at that time that Monsieur Trudeau made a promise to the Queen or to the Legislative Assembly of England, the United Kingdom, that they would hold specific Indigenous conferences that would task us to entrench the rights of the Indigenous peoples in the new constitution. And that failed completely.

First of all, Quebec was not there. Quebec took off for the reasons that they had, and I'm not there to judge their reasons; they didn't feel that the specificity of their people was recognized, and I respect that. You know, I'm not there to judge, but Monsieur Levesque, at that time, I had to work with him because I was regional chief. He was finishing his mandate. I was starting mine, so he was supporting us, but outside of the ring.

The rest of the premiers were asking "Do you have a list? Could we see your list? Bring your list". And with Georges and others, we realized that we should never give a list of rights, because we will always forget something and if it's not on the list, then tough luck. So, we said, "We don't have a list to offer you. Our rights are inherent. Our rights are fundamental rights. We're not going to start to give you a list". Anyway, it failed, you know; the conferences failed.

Interviewer: The years leading to repatriation in '82?

Sioui: Exactly. And we remember our good friend, Elijah Harper. The federal government forgot that the Manitoba legislature would need unanimity of the house. When the federal government to support the repatriated constitution, he said, "no." They asked why. He said, "Because our rights are not protected in this repatriated constitution. There's Section 35 but it's a ticket to go to court. It's not a full box of rights, as we thought at the beginning". Section 35, the way it's written, you would believe that you have it made, but that was not the case at all. It was an empty box of rights. It was a pity. As for example, with the Sioui case, we ended up in court. We had to go to court against Quebec and Canada. Canada would always take the side of provinces at the time. It did not even happen once that they would take the side of First Nations or any Aboriginal peoples. They would start with the provinces against

us. To go to the Supreme Court, it's always takes between nine and ten years. It's a long process. It's a long crucifixion but they were smart judges, honest, starting with [Brian] Dixon, [Antonio] Lamer especially, and Madam [Beverley] McLachlin. You know, it was a treaty case, a pre-confederation treaty. Quebec created a park without our knowledge and consent. They kicked us out, and they didn't want us to get in there and to exercise our rights, and they accused us of having made a fire, mutilating the tress and trespassing without a permit.

So, for the last forty years, since the Calder Case in '74 – in which half of the judges decided that there was an Aboriginal right that wasn't extinguished, and half said that they didn't – in fact, was a discovery class, you know, like when we arrive somewhere, if they're not baptized Christian, then we have the right to take over unilaterally. But it opened the field to addressing our issues from a wider perspective in the courts.

And after 40 years, we've created a better jurisprudence on our side. But still it's not easy [...] we haven't made it already, but it's better than what it was before. The struggle is still going on. And so, the free trade was the free possibility to access the resources without having to deal with First Nations, with Inuit, with other Aboriginal peoples of this country.

Free trade was free access, and that's why Oliver North came into the portrait, and we remember saying that 'Canada North is ours. And Oliver North is yours.' You could not grab our territories without respecting our rights, sitting with us and having a democratic way of dealing with our peoples.

It was again a struggle, and the NGOs that were doing tough, but necessary jobs at the time, needed to have direct support from First Nations. I received the green light from the Executive Council of the Assembly of First Nations to support the initiatives that were taken because they were meeting our goals also, protecting our lands and resources.

Interviewer: Do you remember who got in touch with you, initially to become part of this coalition?

Sioui: Maude Barlow.

Interviewer: And what kind of relationship did you develop with her?

Sioui: A good relationship, you know, a close relationship. I attended some of the Pro-Canada Coalition meetings, and they treated me good. They respected me. They were very happy that we would get involved somewhere, somehow, and that we would be part of this coalition of groups, and NGOs.

Interviewer: So, you were part of the Pro-Canada Coalition. It's interesting because at the beginning the name of the coalition was the Pro-Canada Coalition, right? And then there was the Action Canada Coalition. So, was the AFN [Assembly of First Nations] part of those coalitions?

Sioui: We were, yeah. Georges, as National Chief, like we always wanted to have our own mark, you know, not to be part of a melting pot but to be distinguished as First Nations, Aboriginal peoples, and Indigenous peoples of Canada. You know, not because we thought that we were better or bigger than anybody else, but we knew that we needed to distinguish ourselves, because many governments at the time would talk about us and would see us as just one minority among others. And there were also people like Maude Barlow and others that would keep in touch with us; we would receive the information. I'm not saying that I attended all the meetings. I was really busy, you know.

Interviewer: I mean, it's like such a dynamic time, right? Like post repatriation of the Constitution, the UN declaration, you know, also just, preceding Oka.

Sioui: Nelson Mandela came, and I didn't even have time to go and meet with him, even though I was invited, because of Oka. The years before Oka, I was there, I was involved and was very close to the leadership in Akwesasne and everything that happened before Oka. Georges was on leave for a while, and he went back to St. John's with his wife, with Sandra, at the time. I took over; it was in my region, Quebec, and we had to be watchful because we had to be peacemakers. You know, not inflame things. We could not inflame the issues, especially in Quebec. But you know, I would receive threatening letters, calls, and some new young people would be attacked. It was indiscriminate. We were all 'Mohawks,' trying to block everything. Often, it's like that, you know, like they would always categorize everybody in the same basket, you know. So, it was very delicate at the time.

Interviewer: It seems like it's interesting, because the opposition to free trade at the time seemed very nationalistic, right? It was against America, kind of coming into Canada and colonizing Canada, and it was the Pro-Canada Network, right? So, I'm wondering how you positioned yourself in relationship to that, because it seems like the left and the anti-free trade people were very much taking up a very Canadian nationalism in opposing it. So, it's interesting that AFN was also there. How did you position yourself in relationship to that nationalism?

Sioui: It has always been there, you know, this nationalism, especially in Quebec. That was an issue that would bring people together, for sure. And that was a good one, that's why we had no problem with that at all, we wanted to keep connected because we were negotiating our future, redesigning the Constitution we're in. It was the most important time, talking about our future. I understand now that using *Article 35*, even though they're not going back to the table for another constitutional round, you know, they will never go back to that, because it failed, not because of us, because of lack of openness. But, in a sense, in BC, they were fighting for their land, for their rights. We had the same struggle as First Nations. You see, it was not the

Indian Act; it was way more than the *Indian Act*. You know, the land, the rights, the culture, the young people. The jails are full of our young people all over.

I co-chaired the *First Nations Commission on the Constitution*. We held 85 assemblies all over the country, way out in the communities that are isolated. We heard people from the grassroots level, but we've always known that we needed and still need allies within the circle. And without allies, there was not a chance in the world that we would win anything, because the struggle is too big.

So, these people that were fighting against free trade with the possibility of seeing the United States come into Canada and grab whatever they want, you know, as long as they would pay and hire some cheap labour, that was not something that anybody, including First Nations, saw as a good thing. So, it was like in French, we call it a *dénominateur commun*, a common denominator. There are not too many of them, but that was one: land, resources – that brings everybody together, regardless of colour or which flag you're carrying.

Interviewer: So, do you think the free trade struggle was a moment when you could connect more closely with other allies and build support around your struggles?

Sioui: Oh, yeah [...] And in fact, you know these allies were good people, they were trustable, as much as we were also. So, we knew that we would have something not only to gain, but to bring within this circle, and that's the reason why we decided to be part of it. Not only that, but the federal policy on the comprehensive land claims process was also asking again for an extinguishment of the title to the land. And that was tough. "We hereby extinguish all of our rights, future, past and present. For as long as the sun will rise, we will defend the agreement against anybody, including our own sisters and brothers".

And when you write those kinds of agreements and then you sign them, you think you have better treatment, better programs and services, you think you're well off, you think you're a billionaire. But you ceded the right, the title to the land, to the newcomer provinces in Canada, and that's their aim. That's their only aim. Look at the treaties. You know, there's not a chief – in fact, there's not a person in the world – that would be fool enough to say, "Yeah, take it all. Just leave me a reserve, like half a mile by a mile, and give me \$2 a month, because I'm the chief, and give me a medal." You know, that's ridiculous. The spirit of having a treaty is to share among the circles. There are laws, there's a government that exists, that is old, as old as the land itself, and we invite you to be part of it, but with the full respect of who we are.

I think that, as we've seen with the Royal Commission, what guided us for six years, is a *Two Row Wampum* [Treaty between Indigenous peoples and European peoples in North America, which recognized each other's sovereignty and distinct ways of life] and in the report itself of the Royal Commission, we see the *Two Row Wampum*; it's, in fact, the best way to respect each other. We navigate on our own rivers, we don't try to intervene, we share the best of

what we have over the course of our lives as peoples. And that might be the best way to maintain peace and to respect each other.

Interviewer: For the 1988 federal elections, that was considered the "free trade election" like the big issue, I was wondering if you could talk a little bit about how First Nations issues were positioned in that election, and how maybe they connected with the free trade issue.

Sioui: Yeah, 1988, it was probably one of the most important issues to be dealt with at the time, free trade, and we were not at all convinced that we would benefit from it. First of all, in '88 the Meech Lake Accord was already lost. And in the end, the 1992 Charlottetown Accord was lost. 25% of First Nations rejected it, especially because of the uncertainty about the fiscal issue. You know, how we're going to fund our governments? You know, they told us that they would deal with that in 1996, four or five years after the agreement had been signed. People didn't like that; they wanted it to be dealt with right at the beginning. There were issues that were left out to be discussed later on. And you don't do that with First Nations. We've been fooled too many times. The Québécois rejected it. I think 70-80% of the Québécois rejected it because it was not enough. And the English side rejected it because there was too much for Quebec. Why should they be a distinct society? Manitoba, New Brunswick, they all started to argue against it.

So, we've seen the two solitudes within Canada not be able to meet you on the ground. So, in '88 we saw that the land, according to us, as far as we were concerned, was still the number one issue, the territory and the resources, because it's inseparable. So, we got involved in the Pro-Canada Coalition on this basis. We decided to be part of it, and to address it from different forums, and that's what we did.

Interviewer: Could you talk a little bit about post '88? It sounds like prior to '88, in the lead-up to the struggle against free trade, you were just starting to make connections with these groups. Is that correct? Like, you didn't have connections before, but through free trade, you were able to have connections?

Sioui: That's right.

Interviewer: And then, after the elections, to what extent did you maintain those connections and build them? To what extent did people keep connections with you after that?

Sioui: Yeah, Phil Fontaine arrived as National Chief, and he was very well listened to, because he had a step-by-step approach. Phil was able to talk to people and to be respected. He was not promising the moon and the stars. He was saying, "Yeah, let's do that. If we achieve this, then we'll go a step further". And that secured the leadership, and that's why Phil was elected more than once. You know, every time we would feel that we're losing it, we would bring back Phil again, because he was comforting people. And he was credible, very credible. So, it depends

on the leaders you have. You see, Mary Simon was very credible too. She was very solid also, and Jebediah Noongar. I'm talking mainly about the Inuit and First Nation representatives. The Métis were also there, but they were very far away from us in Quebec and the east. They were in the Red River and in Saskatchewan. And they had their plight. And they were well represented, too. You know, we had a strong leadership, the women too. So, it was a question of leadership.

But in '88, after that, things were turning sour. In '89, I was involved in demonstrations in Kanasatake, it was more than a year prior to the Oka Crisis. We saw that coming early. There were outstanding issues having to deal with the land. There's been treachery from the Church against the Kahnawake Mohawks and against the Huron-Wendat in Quebec. These long-standing issues were not dealt with and were not really taken into consideration by governments. And within the communities it was turning sour, and nobody saw that. Up until Akwesasne, Mike Mitchell had lots of problems, also with the debates for or against casinos, and traditional against modern. You know, it was tough, it was really tough.

[...] it was in early '90s because Mario Cuomo, the governor of New York, did not want to cede the Strategic Quebec Crossover. Because in order to go to where the fire was in St. Just on the Quebec side of Akwesasne, you needed to go through New York and Cuomo was against it. Because we needed to send a third portion, like some blue-helmet type of force, you know, to stop the killing and the burning of cars and houses here, because it was turning really, really bad, and Mike was unable to achieve anything at the time. So, all of these events brought us to the crisis. And then, on the 23rd of June, Elijah Harper, said "No", so it became official that the Meech Lake Accord would not pass.

And also the two Supreme Court judgments that came out —the Sioui and Sparrow cases in May. Quebec said, "Hey, there's nine judges out of nine unanimous that says that pre-confederation treaties exist in Quebec. And we've always said that there were no treaties in Quebec other than the James Bay Agreement, which is a modern-day treaty with extinguishment of the title." So, it was decided in the Sparrow case that those who didn't have a treaty could still have access to resources. You know, Sparrow said that Indigenous peoples come first. But that raised question of how we would access these resources without having control over the territory.

So, to make a long story short, Chris, we knew that we needed to connect with other groups. And again, still today, we are a people of alliance. The first alliance was the *Alliance Franco-Indienne*. At the beginning we started with the French and some sided with the British, and we see what happened in 1760, but the vast majority of First Nations were siding with the French. So, maybe we realized that regardless of which side you are on, French or English, you were the loser anyway, because they're going to side together with each other and against us.

That took away the confidence and the trust that we were supposed to have. They would say, "Why should we trust these people?" And someone would say, "Let's give it a try again. We can't give up like that. There are some good people there".

This happened again in November 1969 when they gave us the right to vote. The elders said, "Why are they giving us a right to vote now? They've always treated us like we're not part of Canada, and now they give us a right to vote? It's a trap. Let's not vote". And up to today, there are many places where only 10-15% of First Nations people vote, exercise the right to vote at the federal level or the provincial level because of the fact that we're not in the Constitution here, we're not recognized other than with Article 35. We're still not recognized as a founding nation.

But Justin Trudeau's government is now pushing federal laws, like Bill 92, saying that the jurisdiction to take care of your children and social services belongs to First Nations, belongs to Aboriginal peoples, disregarding what the Constitution might say, if it belongs to the province or the federal. First and foremost, it belongs to the people themselves. Quebec doesn't like that because Quebec says, "It's one of our jurisdictions, and we're not ready to give that away, and we're not consulted by the federal government over the Bill 92". So, all kinds of issues have come up differently; there might not be more First Ministers conferences on the Rights of Indigenous Peoples in Canada. But there might be advances through *Article 35* and the deliberations of the UN, so this is a new path that is opening.

Interviewer: Just to moving towards wrapping up to the legacy of the struggle against free trade for First Nations, you mentioned that Maude Barlow is an important person in making connections with you. I'm wondering if you can remember any other people, organizations that were really important during this time in building alliances with First Nations people.

Sioui: Well, you would need to name me some, because you're taking me back.

Interviewer: Yeah. Well, there was the Pro-Canada Network, which turned into the Action Canada Network, and there were a bunch of people connected to that: Dennis Howlett, Laurell Ritchie, Peggy Nash, Steven Shrybman.

Sioui: Yeah, you mentioned these names and it rings a bell. I must have spoken to some of them and maybe met with some of them. I was Director of International Affairs for the Assembly of First Nations, and I had three or four or five other portfolios at the same time. We were just overwhelmed with lots of work. Maude Barlow, that's for sure. I know I went to meet with some of them, and I was receiving the information, I was reading, and Georges Erasmus also. But I don't have a so good memory of things.

Interviewer: Yeah, do you have any recollections about any of the meetings that you went to or any other memories from that time?

Sioui: I remember the slogan that “Canada North is ours. Oliver North is yours.” But also, more broadly, I should say that coming from First Nations had more weight, more credibility at that time. People were happy that Indigenous peoples would get involved, take a side. So, I participated in at least one of these meetings, conferences, and I never thought that it was because of Konrad Sioui, it was mainly because of the mandate that I had to carry.

Interviewer: Yeah, it sounds like you were very, very busy at the time.

Sioui: Like Oka, right? But Oka did not arrive like that. The two years prior to Oka, there were events all over Canada. I was traveling back and forth. I could not believe, still today, how my family was able to live without me. I would arrive on a Friday night late, be ready to wash the clothes, prepare a new suitcase, and jump in a plane on a Sunday morning.

Interviewer: Something that a lot of people mentioned is pre-internet how much traveling was required to go to meetings and be with people, consuming many resources.

Sioui: And costly too for the organizations. And physically, it's very tough. I got sick when I was chairing this First Nations Commission of the Constitution. I was in Saskatchewan, and they took me to a shaman. I was on antibiotics and I was exhausted, you know, my body was not healing. I had pneumonia and the shaman cured me in the sweat lodge with the blanket over my head, with medicine burning on a red rock in the house. But it's true, like, today you would have needed to meet me, to come to Quebec to meet with me. Today we can talk online.

Interviewer: One thing that's interesting, also coming out of the '88 elections, was that it seemed like it was Quebec that really contributed to the election of Mulroney in '88. René Lévesque supported what he called "le beau risque", where he pushed for Quebecers to vote for Mulroney. So, I'm wondering how you connected with this strategy in Quebec? How First Nations people were positioned in this space where a lot of Quebecers were voting Conservative.

Sioui: Yeah, because of Brian Mulroney. But at the same time, several chiefs in Quebec were complaining about Mulroney, who left Schefferville with holes 1,000 feet deep, and burning and destroying all of the town and not leaving a house for First Nations. The Innu were still living with three families per house. They were asking, “Why?” “Why are you tearing down the city and leaving the mines openly dangerous for our children?” We have to watch ourselves and if you fall into that, you fall more than 1,000 feet down below. I went there many times, and Mulroney washed his hands of it. I worked with René Lévesque also, and he wanted to leave a legacy. He left a resolution that was adopted by l'Assemblée Nationale saying that Quebec recognizes 10 nations, plus the Inuit at the time, with the right to land and capacity to exercise their rights. It was a good resolution.

Commented [CH1]: Is this René Lévesque?

It's as good as the way it is implemented. But then Monsieur Levesque accepted le beau risque of Mulroney. And Monsieur Levesque died in '87. I was there at his funeral as Regional Chief, along with other Quebec and Labrador chiefs.

He was a good man. He traveled all over the world and had this capacity to meet Indigenous peoples in many other countries. So, when he saw that Quebec was not taking its own jurisdiction and its own responsibilities up north, you know, with the James Bay Agreement, he decided that he would fulfil his constitutional responsibilities to the north. They nationalized electricity. It became Hydro Quebec. But when he moved into northern Quebec, it raised questions about nationality. Now, people are saying to Mary Simon, "Why don't you speak French, Mary? you're from Quebec". But when Mary Simon and Charlie Watt were young, there was no Quebec presence there. It was a federal government who supposedly took care of them. I mean, they would send them to Sault Ste. Marie, Thunder Bay, or Winnipeg, and over there, they speak English. So, they never were able to speak French. That's all. Some people might not appreciate the fact that Mary doesn't speak French.

Interviewer: So, wrapping up [...] First of all, we're looking for more people to speak with, and I'm wondering if you remember any First Nations activists, or other people that were linking together with First Nations struggles, kind of coming out of the Free Trade struggle, that would be important to interview.

Sioui: Well, you need to speak to Georges Erasmus. I think that Georges would have lots to say and because he was the National Chief, and there might also be Phil Fontaine, at the time. He was the regional Chief for Manitoba, but he was involved in many ways. He would have something to say.

Interviewer: Do you remember any First Nations, organizations or groups that were more active in the Free Trade struggle?

Sioui: Maybe Ted Moses, Grand Chief of the Cree Nation of Quebec. Ted was in Geneva and is a very credible person. And as Grand Chief he addressed these issues. Among the Mohawks, maybe Joe Norton, but he passed away. Mike Mitchell, as Grand Chief of Akwesasne. Maybe Jean Guy White Duck and Chief Jerry Wysote, or Chief Wendell Metallic. They might have something to say.

Interviewer: Okay, that would be great. And I'll try to find their information. I might get in touch with you afterwards, just to follow up, see if you can have any contact information for some of these people.

Sioui: It's been a pleasure.