

# EYOUNOUN NATION

THE VOICE OF THE PEOPLE

***PAIX DES BRAVES***  
**AT 10 YEARS:**  
**CHALLENGES, CHANGE**  
**AND PROSPERITY**

**Romeo Saganash:**  
**Crees Model**  
**Ethical Business**  
**to the World**

**Justice in**  
**Eeyou Istchee:**  
**Modern System**  
**Built on Cree**  
**Traditions**

**Cree Business**  
**is Booming:**  
**A Gold Mine**  
**of Jobs and**  
**Opportunity**

**Cree-Quebec**  
**Relations:**  
**Stronger than**  
**Ever**





The Grand Council of the Crees  
(Eeyou Istchee)  
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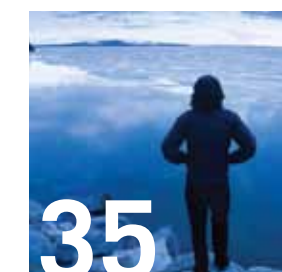
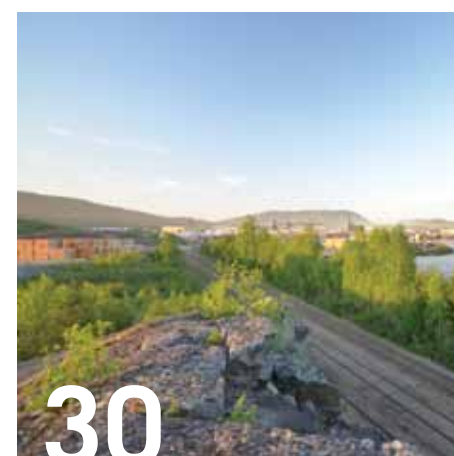
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# CONTENTS

- 4 **Editorial by Bill Namagoose**
- 7 **Council Board Members**
- 8 ***Paix des Braves*: Looking Back on 10 Years of Challenges, Change and Prosperity**
- 13 **Score One for the Nation: Hockey Brings Cree Communities Together**
- 14 **A Gold Mine of Opportunities: New Training Programs Open up Jobs for Crees**
- 17 **Diamond in the Rough: Mining Is Booming in Eeyou Istchee—Can the Crees Maintain Control of the Industry?**
- 20 **Community Success Stories: Projects Made Possible by the *Paix des Braves***
- 22 **Corporate Social Responsibility: Shining Examples Found in Eeyou Istchee**
- 24 **Going with the Flow: Collaborating with Crees Sets a New Way Forward for Hydro-Québec**
- 28 **An Eeyou Epic: Documentary Series Traces the Cree Struggle for Their Land and Rights**
- 30 **Cree-Quebec Community Cooperation: *Paix des Braves* Paved the Way**
- 32 **Justice in Eeyou Istchee: A Modern System Built on Cree Traditions**
- 35 **Health and Education: Taking Responsibility Leads to a Bright Future**
- 37 **Message from Ted Moses, Chairman of the Cree Nation Trust**
- 39 **Message from Former Grand Chief Matthew Mukash**
- 41 **Message from Grand Chief Dr. Matthew Coon Come**





## Editorial by Bill Namagoose

**W**e need to inform the Cree population about the events that led up to the *Paix des Braves* and what transpired inside the Grand Council of the Crees (Eeyou Istchee) and the Quebec government. When I learned about the proposed *Paix des Braves*, I supported it because I felt comfortable with my personal assessment of the agreement, and with the political circumstances and needs of our people as a Nation. Nobody forced me to accept the proposal because of my position as Executive Director at the Grand Council.

We need to have a profound understanding of the political landscape in Quebec, Canada and the First Nations communities in the 1990s to appreciate our success—the paradigm shift in policy and the scale of benefits we gained control of through the *Paix des Braves* agreement. The Grand Council was also mandated by the Cree Nation to protect its right to self-determination in the context of the 1995 Quebec sovereignty referendum debate. We did this by speaking about our rights and raising the territorial issue like only the Crees could. The issues raised by the Cree Nation in the sovereignty debate raised our profile nationally and internationally as never before. It is one of the major reasons the “no” side won, by a very small margin, in the referendum on Quebec’s separation from Canada.

After 1995, Hydro-Québec approached several Cree communities directly to discuss the Rupert River Diversion Project—or Eastmain-1 and 1-A-Sarcelles, as it became known. Hydro-Québec avoided Grand Chief Matthew Coon Come and the Grand Council of the Crees. Hydro-Québec and the Quebec government had suffered a major defeat in 1994 due to the Grand Council campaign to stop the Great Whale Project. This project would have destroyed four rivers and flooded 3,000 square kilometres of land.

These two events and the Cree Nation’s role as one of the leading political actors in them must be taken into consideration in one’s analysis of the political landscape in the complex Cree-Quebec relations, and indeed in considering First Nations issues in Canada.

### The lead-up to negotiations

In 1995, the discussions on the Rupert River Diversion Project with some of the Cree communities were going well for Hydro-Québec. Hydro-Québec made an offer of \$6 million per year to the Cree Nation and an equity position in the project. They would provide a loan to the Crees to pay for their

equity position and reimburse themselves from the annual payments. The value of this offer, if it had been accepted by the Crees, would have been a loss of \$300 million over 50 years.

During this time, the Cree media—who were later outraged by the *Paix des Braves*—were apparently not very bothered that the Rupert River was going to be diverted for \$6 million a year.

However, two of the five communities that would be directly impacted by the flooding or the reduced flow of water in the Rupert River did not agree to the diversion. They were also concerned about why the Grand Council had been excluded from the discussions. In the political circumstances within the Cree Camp and within Quebec at the time, the position against the project taken by those two communities was in large part responsible for inspiring the *Paix des Braves*.

### Innovative solutions

The turning point came in 2000 at a general assembly on natural resources in Waskaganish, when a public demonstration against the project angered Hydro-Québec. Because of this, they called off all negotiations on the Rupert River Diversion. This created the opportunity for Grand Chief Ted Moses and Premier Bernard Landry to grab the initiative away from Hydro-Québec and replace it with discussions on a proposal to implement Cree rights to the benefit of the whole Cree Nation, and to reach an agreement on future development.

There is an explanation as to why there was no public process on the initial negotiations of the *Paix des Braves*. First of all, the Grand Chief had already been given a mandate by the Council Board to negotiate with Quebec on the implementation of Cree rights and on future development. Secondly, the Council Board and the

communities that would have been impacted by the proposed Rupert Diversion-Eastmain Project were aware of the proposed project. The fact that Quebec wanted to divert the Rupert River was public knowledge and the offer of \$6 million was made known to the Cree leadership.

Premier Landry was convinced that an innovative solution was needed. He felt that this could best be accomplished by political negotiations, and to this end he mandated the Secretary General of the Cabinet to conduct confidential negotiations with the Grand Council.

The timing and delivery of the public announcement were carefully planned. The Cree leadership had been briefed and gave the green light to the *Paix des Braves* to allow the Quebec government to make the announcement. Judging by the reaction of the Crees and of Quebec to Premier Landry’s strategy, it was the right one.

The proposed agreement was made public only once it was time to consult the Crees on its acceptability. The people encouraged the Grand Chief at the public meetings to finish the agreement in accordance with the agreement in principle. Once the final agreement was ready, a second long consultation process was undertaken and, in the end, the agreement was approved through community referendums.

### The *Paix des Braves* agreement

Under the *Paix des Braves*, the Crees decided to implement many of Quebec’s obligations to the Cree Nation in the *James Bay and Northern Quebec Agreement* (JBNQA) and they were provided with the funding to do so—\$70 million per year indexed for 50 years by the increased value of the revenues extracted from the resources of the territory. In 2011–2012 that amount reached \$88 million. Moreover—through the negotiation of the Nadoshtin





and Boumhounan Agreements, later to be amalgamated into the Niskamowin Agreement—the Crees and Hydro-Québec developed a much more collaborative approach to the construction of the Eastmain-1 and Eastmain-1-A projects than had ever been tried before. The trappers were consulted in detail, and Cree companies and workers were able to benefit from the construction of the projects.

The *Paix des Braves* raised the bar in terms of treaty implementation, financial resources and First Nations self-determination across Canada. Simply put, there is no agreement like it in the world. It pulled the Cree communities out of their downward spiral toward impoverishment and population dispersal, as seen in many other First Nations communities.

The agreement with Quebec is called the “Peace of the Brave” for a reason. It is an agreement made by brave people and brave nations. You had to be brave because the taunting, name calling and insults could be relentless from the few who opposed the agreement.

Given another chance, all the negotiators and leaders who promoted the *Paix des Braves* would do it again.

The Rupert River is not quite the same despite the great effort that is being made by Hydro-Québec and the Crees to reduce the cultural and environmental impact. In fact, the Grand Council and the Cree communities affected will sign an agreement with Hydro-Québec on mitigation works and benefits that will soon flow for as long as the diversion remains in place.

## The importance of rights and respect

The *Paix des Braves* broke with the paternalistic way in which governments related to Aboriginal peoples in the past. It defined a new direction, one in which the Crees and Quebec both benefit.

After its signing in 2002, Canada and the Cree Nation negotiated an agreement along the lines of the *Paix des Braves*. Negotiations with Aboriginal peoples that are limited to repeating past worn-out proposals or those that eliminate possibilities for innovation are bound to fail.

During the 1980s and 1990s, the innovative approach set out in the JBNQA was broken by the bureaucracies that wanted to treat us with paternalism and by short-sighted governments. The *Paix des Braves* updated the JBNQA and empowered the Cree Nation to define its own future. That is what we are now doing.

## One more thing

There are those who think that the Crees can start over again, negotiate anew, and in doing so gain control of the territory as if the JBNQA was never agreed to by the Crees, Canada and Quebec. The truth is that we must build on what we have committed to and what governments have agreed to with us. If the Crees renounce the agreement, Canada and Quebec will not renounce the parts that they want.

The only way to increase the power and stature of the Cree Nation is to build on the foundation of what has already been agreed on. There is another reason that this is important: we stand firm when we stand together. It is our common history, our shared language and our culture that bind us together as the Cree Nation. When we are tempted to stand alone, we risk having our rights and our unity fragmented, and as the history of the *Paix des Braves* demonstrates, there are those willing to seek advantage in doing so. We must remember that we made a commitment to one another long before we signed any agreements with others. Our unity is reflected in our motto: “Coasters and Inlanders, helping and protecting each other.” **EE**

## Grand Council of the Crees (Eeyou Istchee) / Cree Regional Authority

# Council Board Members

## 2002

**Grand Chief:** Ted Moses

**Deputy Grand Chief:** Matthew Mukash

**Nemaska:** Chief George Wapachee, Thomas Jolly

**Chisasibi:** Chief Abraham Rupert, Eddie Pachano

**Eastmain:** Chief Edward Gilpin Jr., Kenneth Gilpin

**Mistissini:** Chief John Longchap, Thomas Neeposh

**Oujé-Bougoumou:** Chief Sam R. Bosum, Kenny Mianscum

**Waskaganish:** Chief Robert Weistche, Jean Paul Murdoch

**Waswanipi:** Chief Paul Gull, Robert Kitchen

**Wemindji:** Chief Reggie Mark, Danny Tomatuk

**Whapmagoostui:** Chief David Mast, Losty Mamianskum

## 2012

**Grand Chief:** Dr. Matthew Coon Come

**Deputy Grand Chief:** Ashley Iserhoff

**Nemaska:** Chief Matthew Wapachee, Josie Jimiken

**Chisasibi:** Chief Davey Bobbish, Thomas Shem

**Eastmain:** Chief Edward Gilpin, Kenneth Gilpin

**Mistissini:** Chief Richard Shecapio, John Longchap

**Oujé-Bougoumou:** Chief Reggie Neeposh, Gaston Cooper

**Washaw Sibi:** Chief Pauline Trapper-Hester, Jimmy R. Trapper

**Waskaganish:** Chief Gordon Blackned, Gordon Blueboy

**Waswanipi:** Chief Paul Gull, Marcel Happyjack

**Wemindji:** Chief Rodney Mark, Danny Tomatuk

**Whapmagoostui:** Chief Stanley George, Isaac Mast



Quebec Premier Jean Charest (left) joined Ted Moses, Chairman of the Cree Nation Trust and President of Petronor, and Thierry Vandal, President and CEO of Hydro-Québec, at the Eastmain-1-A inauguration ceremony held on June 28, 2012 in Eastmain. Media, government and Cree leaders flipped the switch on the new EM-1-A power station. See story on the Eastmain project, page 24.



# PAIX DES BRAVES

## Looking Back on 10 Years of Challenges, Change and Prosperity

By Jennifer David

In 1974, then-Grand Chief Billy Diamond contacted Eddie Diamond, who was working as an electrician in Sault Ste. Marie, Ontario, and asked him to come home.

“He sent me a bus ticket to come to Montreal and get involved in this new agreement with Hydro-Québec,” says Eddie.

Eddie has been working with the Grand Council of the Crees and the Cree Regional Authority ever since. So when he says, “The *Paix des Braves* was our opportunity to take control and do what the Quebec government had failed to do [under the *James Bay and Northern Quebec Agreement*],” he knows what he’s talking about.

Back when the JBNQA was signed, there was a lot of hope and optimism. But over the next 25 years, that optimism gave way to frustration and anger.

The JBNQA was Canada’s first modern land claim agreement. Until 1975, there was no pre-existing treaty covering the vast area of northern Quebec, home to the Crees and the Inuit. In 1973, after the Quebec Association of Indians successfully won an injunction to block hydroelectric development in the territory, the Government of Quebec began consultations and negotiations with the Crees and Inuit. These led to the historic 1975 signing of the JBNQA, overseen by the Grand Council of the Crees and the legendary Grand Chief Billy Diamond.

The agreement touched on a wide range of issues, including land use, environmental protection, economic development and the creation of regional government authorities, including the Cree School Board, the Cree Regional Authority and the Cree Board of Health. The complex and sweeping agreement divided the Cree territory into three categories of land and outlined the new relationship between the Crees, the provincial government and third parties.

So while the agreement set out the parameters for land use and resource development, the implementation of that agreement was fraught with difficulties. Many promises were broken and people felt



cheated. By the turn of the century, Cree frustration was evident. Yet at this time, the hydro dams on the Rupert, Broadback, Nottaway and Great Whale rivers had not yet been built and the rivers ran freely.

“At meetings, I could hear what was going on with court cases lined up to take the government and Hydro-Québec to task for not living up to their obligations in some sections of the James Bay agreement,” says Eddie. There were more than 24 lawsuits in the courts over various breaches of the agreement, with no end in sight.

At a meeting in 2001, the Grand Council of the Crees, Grand Chief Ted Moses and Quebec Premier Bernard Landry decided to negotiate a new agreement in principle to address a number of outstanding and contentious issues. This agreement touched on forestry, Hydro-Québec projects, past obligations by Hydro-Québec from the JBNQA, mining and community development. Looking for a catchy title, the Grand Council dubbed the agreement the *Paix des Braves*. It is said to be inspired by the 18<sup>th</sup>-century Great Peace of Montreal treaty between New France and nearly 40 representatives of First Nations in eastern North America, which was also called *La Paix des Braves*.



Then-Premier Bernard Landry (left) and then-Grand Chief Ted Moses celebrate the 2002 signing of the *Paix des Braves*, formally known as the *Agreement Concerning a New Relationship Between the Government of Quebec and the Crees of Quebec*.

But not everyone was happy with the direction of this potential new agreement. One dissenter was Ian Diamond, son of the late Billy Diamond. He was working for a media organization in Waskaganish when he got a call tipping him off that “something big was coming down the pipe,” and that he would want to be at an upcoming community meeting in the fall of 2001. At that meeting, Grand Chief Moses outlined the agreement in principle. One of the main elements of the agreement was that Cree treaty rights would be implemented and, in return for shelving the very controversial Nottaway-Broadback-Rupert project that would have diverted two rivers into a third in order to construct a major hydroelectric project, the Crees would agree to allow smaller

projects on the Eastmain and Rupert rivers. The Cree treaty rights would be implemented and the size of the projects in the original deal would be reduced.

“I was young, I was upset, I was hotheaded,” recalls Ian. He says he consistently berated the Cree leadership for not properly consulting with the people, and maintained that a diversion of the Rupert River was an affront to the Crees, considering his community of Waskaganish had decisively sent a Hydro-Québec representative packing when he tried to bring a similar proposal to the community barely six months before.

Ian says his angry voice was recorded and played in the media throughout the Cree territory as a representative of the Cree people opposed to this project. Many people were not willing to sacrifice any more of their land in return for money. In the documentary *One More River*, filmmakers followed Grand Chief Moses as he travelled to Cree communities explaining the agreement. One Elder said: “If I take a pen and sign, my grandchild will ask, ‘Grandpa, why did you consent to something that will destroy where you came from?’ As an Elder, how can you sign this?” Similar sentiments were heard up and down the James Bay coast in the few months allocated for community consultations. Some people were pragmatic, and some thought the agreement was a gift. The divisive discussions left scars in the communities.

Those on the negotiating team saw things differently. Eddie worked for the Cree Regional Authority and was relieved to see that many of the provisions he had hoped for in the JBNQA might actually come to pass through the *Paix des Braves*: infrastructure, economic development, greater autonomy, and the ability to make decisions in the best interests of the Cree Nation.

“But there were still people who felt we weren’t doing enough,” says Eddie. “Look at housing. Back then, people would see that we could build sports complexes and Band offices, but not houses. They were not convinced that another agreement would make a difference.”

When the Cree Chiefs were asked to sign the agreement in the early winter of 2002, they all signed, except Nemaska. But overall, only 70 percent of Crees voted in favour. In some communities, low voter turnout was a protest against the agreement.

When the dust began to settle and the agreement was signed, Cree communities began to see how this new arrangement would impact them. The *Paix des Braves* provided a framework for Cree control over a number of key areas. Quebec was relieved of some obligations under the JBNQA, including community development. In return, the Crees would receive a \$70-million non-taxable annual payment, which was indexed to the increase in value of any natural resource development.



The agreement also paved the way for the creation of Niskamoon Corporation, a non-profit entity to manage all of the various Cree-Hydro-Québec agreements and oversee their implementation. Ian says he has seen how this corporation has since worked intensively with Cree communities, tallymen, environmental experts and Elders to mitigate the damage caused by the diversion of the Rupert and Eastmain rivers. “The board took active measures to protect the ecosystem,” Ian says, “and you could see that there was real consultation and involvement in the communities, which is a good thing.”

Ian admits that the agreement brought many benefits to communities, including new infrastructure, more jobs, and communities that are now connected to each other and to the world through roads and technology.

Eddie says some of the biggest changes in the past 10 years have been infrastructure and planning. “Before *Paix des Braves*, we didn’t do a lot of strategic planning,” he says. “Looking at our infrastructure, we didn’t have long-term goals for expansion, so things were done piecemeal.” Buildings are now constructed according to all relevant codes and laid out in an orderly way throughout the communities, he says, and courthouses, banks, police stations, shopping malls and specialty stores are now predominant features in Cree communities.

“Before, we might see one gas station; now a community might have two. Or before we had to buy everything at the Northern store; now

we are negotiating with Loblaws and other grocery chains to open up shop in our communities,” says Eddie.

All of the development and money flowing into the territory has other consequences, including social issues. Cree communities are not immune to the devastation seen in other First Nation communities, including higher-than-average rates of suicide, domestic violence, drug and alcohol abuse, low high school graduation rates and health issues. However, the *Paix des Braves* has provided the Cree Nation with better access to quality health care, social services, education, training and employment opportunities, and business development. In addition, Cree workers with Hydro-Québec and other resource companies have high salaries and benefits—all of this in a region that once had chronic unemployment and low standards of living.

One of the greatest legacies of the *Paix des Braves* is the Cree Nation’s proactive approach to community development and self-determination. Governments and resource companies can no longer run roughshod over Cree territory, extracting resources and making business deals, without first involving and consulting the Crees. In turn, the Crees have developed more political and business savvy. While Grand Chief Matthew Coon Come made headlines when he and other Crees paddled all the way to New York City to show their opposition to the Great Whale project in 1990, today there are scores of Cree lawyers, consultants, developers, business owners





and politicians who know how to read and negotiate agreements to the benefit of the Crees. Eddie chalks some of this up to a string of strong Cree leaders.

“We are a very resilient people,” he says. “We use the legal system to very good advantage. Our leaders know how to stand up to the government and we are people with vision. Crees are not used to just sitting back—we are a lot more proactive than we were 40 years ago.” He feels it is time to acknowledge the accomplishments of these leaders: “We need to recognize and honour our own people. Sometimes we don’t realize how good they are and the great work they do.”

The new Plan Nord stands as an example. It did not take long for Quebec Premier Jean Charest to realize that he needed to involve the Grand Council of the Crees in the early stages of development of this sweeping new 25-year plan to invest \$80 billion in northern economic, social and environmental projects. The media reports of people who think the Plan Nord is giving away too much territory to the Crees, and giving them too much control, is an interesting echo of the sentiments surrounding the agreements made in 1975 and 2002. But it is control that the Crees have been fighting for over the past 40 years. This is a fight that will continue into the foreseeable future because, as Grand Chief Coon Come said at the 10<sup>th</sup> anniversary celebrations: “*Paix des Braves* put into our hands many of the essential tools that we

required to become major actors in the economic development of the territory.” He added that the agreement provides an opportunity to “develop the kind of governance structure that is at once creative and also effective for the benefit of all residents of the North and for all Quebecers.”

The *Paix des Braves* was a controversial agreement, quickly negotiated and reviled by some. It is still bittersweet for Ian, for example. He admits he is no longer the hotheaded youth who vehemently opposed the agreement 10 years ago, and he says he has seen its benefits. However, he is still saddened by the lingering environmental impacts that these major hydroelectric projects have had on the Cree territory.

“Given the chance to do it all over again,” he says, “and if I was asked today if I would support the diversion of our rivers, I would still say no.”

However, the long-term positive benefits of greater economic development, solid infrastructure and mechanisms to maintain traditional ways of life are now being realized, 10 years after its implementation.

“The Crees are not opposed to development,” says Eddie. “But we are vigilant. We don’t want to see the land destroyed or scarred. We want to see development that is put in carefully. That’s what *Paix des Braves* has helped us to do.” **EE**



By Becky Rynor

# SCORE ONE FOR THE NATION

## Hockey Brings Cree Communities Together

It looks like a typical hockey arena that could be found in any village, town or community in Canada. But for the residents of the community of Waskaganish, the Sarah Stephen Memorial Arena has become much more than just a place to play “the fastest game on earth.”

“It’s a place where people gather,” says coach Steve Cheechoo. “There’s a lot of hockey that goes on in there, lots of tournaments, but people also go there for entertainment, to socialize, have a cup of coffee.”

Make no mistake, the people of the Cree Nation love their hockey—whether they are on the ice or in the stands cheering on their kids. Cheechoo has been coaching in Cree communities such as Waskaganish and Mistissini for 22 years. He says when the arena was built on the Waskaganish reserve in the early 1980s, he saw an immediate change in this remote community, located at the mouth of the Rupert River near the southern tip of James Bay.

“This community fell in love with hockey,” he says. “The winters are so long up north. This was needed to keep the kids busy in the winter, and hockey is a big draw in the Cree communities. It keeps them busy and doing something at the arena. It keeps them away from drugs and alcohol.”

Now the arena is bustling all year long with girls’ and boys’ hockey games and training camps, as well as community meetings, cultural events and activities for all ages.

John Gosset, Director of Recreation for the Cree Nation of Mistissini, says the community centres established in each of the Cree communities in northwestern Quebec have become one of the notable legacies of the *Paix des Braves* settlement. The centres benefit each community in general, but especially the youth.

“These are multi-purpose gathering places that are the hub of the community in many senses,” Gosset says. “We’re isolated. So for our youth to have these opportunities with state-of-the-art facilities, it means they can finally compete on an equal playing field, when they’re exposed to training, when they’re exposed to coaching.”

Both Gosset and Cheechoo say hockey in particular has become an incentive for youths in these communities to stay in school.

“They are eager to come to the practices. They look forward to playing hockey and taking part in the tournaments,” Cheechoo says, “but we told them if you want to play hockey, you also have to go to school. This is about life, too. We need to teach discipline. If you want to play hockey down south you have to learn to be on time.”

And when kids are hanging out at community centres and arenas, “we know they’re up to something good,” Gosset adds. “There are lots of negative things they could be exposed to. But when they are active and busy, they’re being programmed in a positive way.”

He applauds Cree leaders for making sports and recreation centres throughout communities in Quebec a priority.

“That was a wonderful decision. It has helped provide hope for so many kids, giving them positive things to do in their lives through sport, through activity, through wellness. We appreciate that this was a focus of how to allocate those funds,” he says.

“Kids are very passionate about sports. They can relate to hockey players and other athletes. It’s just a matter of giving them the right tools, teaching them discipline so that hopefully they will take those skills with them as they get older, maybe move south. They need that encouragement and that support as they try to pursue their goals, whether it’s in hockey or education,” Gosset says. **EE**



# A GOLD MINE OF OPPORTUNITIES

## New Training Programs Open up Jobs for Crees

By Paul Gessell



Since the *Paix des Braves* was signed, Hydro-Québec and the Crees have worked more closely together, such as on the Eastmain power plant. Photo courtesy of Hydro-Québec.

The 10-year-old *Paix des Braves* agreement has generated a “golden” experience for hundreds of Cree workers in the greater James Bay region. The historic accord encourages Cree and non-Cree organizations to collaborate in the development of resources in the territory and to ensure Cree workers get more of the emerging jobs.

One such collaborative agreement was struck last year between Goldcorp Inc. and various Cree groups to develop a gold mine at the Éléonore property, about 190 kilometres east of Wemindji.

Bill Namagoose, Executive Director of the Grand Council of the Crees in Ottawa, sees Éléonore as a success story, pointing out that the number of Cree employees will increase to 700 this summer and to 1,000 by fall.

Éléonore is just one of many job-related success stories emanating from the new cooperative climate generated by the *Paix des Braves*; there are others in the construction industry, catering, transportation, environmental monitoring, health care and other sectors of the economy, representing hundreds of millions of dollars in investment in projects on traditional Cree lands.

Indeed, federal government figures indicate that, since the *Paix des Braves* was signed by Cree and Quebec government representatives, considerably more members of First Nations have joined the labour force, obtaining both skilled and unskilled jobs.

Nevertheless, some problems remain. Some communities continue to have high unemployment. Crees are still under-represented in management jobs in the region. High school dropout rates remain high, meaning many young Cree workers enter the labour force lacking the necessary skills.

But training opportunities—both on-the-job and at educational institutions—are increasing and, generally, the job opportunities for Crees are better than a decade ago. Optimism abounds.

“The *Paix des Braves* really changed everything,” says Chantal Hamelin, liaison officer with the Secrétariat to the Cree Nation Abitibi-Temiscamingue Economic Alliance, an organization formed right after the signing of the accord to link Cree and non-Cree companies in the James Bay region. Ted Moses, a former Grand Chief, is the president of the secretariat. Quebec businessman Pierre Ouellet is the director.





Many Cree workers receive on-the-job training to become carpenters and also work as loggers.

“very positive” experience and expressed a willingness to return.

Opportunities for good jobs with Hydro-Québec and other corporations are limited for workers lacking the right skills. The Cree Regional Authority, through its Cree Human Resources Development (CHRD) department, now controls many of the job training programs once administered by the federal and Quebec governments.

Louisa Saganash is the director of the CHRD, which works closely with such partners as the corporation Creeco, the Cree School Board and the federal and provincial governments. Through these partnerships, in the fiscal year 2011–2012, 460 people were trained in the airline, construction and catering/camp management sector, says Saganash. Of those trainees, 391 found employment upon completion of their courses.

Many young Crees seeking higher education often go to Montreal or Ottawa, says Saganash. Others remain in the region to attend such institutions as Cégep de St-Félicien in Chibougamau, where the Natural Environment Technology program is taught, or the First Nations Pavilion that is part of the Université du Québec en Abitibi-Temiscamingue in Val d’Or.

The latter institution offers a variety of programs, from Aboriginal studies to human resources management. The number of graduates (mainly Cree, but also some Inuit) has varied from a low of 20 to a high of 44 during the years 2007 to 2011, according to Marie-France Beaudry, a university information officer.

It is difficult to pry recent employment figures from the federal government for Cree First Nations. However, both Aboriginal Affairs and Northern Development Canada and Human Resources and Skills Development Canada have detailed breakdowns comparing census data from 2001 and 2006. Although somewhat dated, the figures show encouraging increases in the numbers of Cree workers in the labour force. More people are working but more are also looking for work, causing the unemployment rates to remain relatively constant.

For example, the labour force participation rate in the Cree Nation of Mistissini jumped to 76.3 percent in 2006 from 63.6 percent in 2001. But the unemployment rate declined in that period to 18.9 percent from 20.2 percent. Similar situations existed in the other Cree First Nations.

The potential for mining in the James Bay territory, such as Goldcorp’s Éléonore project, has raised hopes for more jobs. This means people like Saganash are pushing for more training programs in the mining sector, and encouraging Crees to enroll in vocational training programs that lead to employment and help to meet the rapidly growing human resource requirements of the mining companies.

Namagoose says mining offers Cree people, who are traditionally trappers, an opportunity to reinvent themselves: “We could be just as good miners as we are good trappers.” **EE**

Among the region’s success stories cited by Ouellet is a construction company formed during the last few years by the Cree-owned Tawich Construction and the non-Cree MasséNor Inc. The result is the Cree-controlled company VCC MasséNor. Sixty percent of the employees are Cree. Many of those workers receive on-the-job training to become carpenters, plumbers and electricians.

“We have since completed over \$100 million of work, from housing units to medical clinics to governance buildings,” VCC MasséNor says on its website.

Among the improvements in the region are relations between the Crees and Hydro-Québec. The Crown corporation had, for many years, a reputation of being a bully—of literally bulldozing its way into Cree communities. Today’s story is rosier.

Hydro-Québec has compiled an array of positive statistics regarding Cree involvement in the Eastmain-1-A/Sarcelle/Rupert project. From 2007 to 2011, about 1,500 Crees worked on the project for varying lengths of time.

“In the Boumhounan and Sarcelle powerhouse agreements, a total of \$290 million in contracts was earmarked for the Crees,” says Hydro-Québec. “By the end of 2011, the Crees had obtained contracts worth \$831 million, or 27 percent of the value of all contracts awarded for this project.” Most of those contracts related to aviation, fuel supply, food services, freight and land clearing.

From 2007 to 2011, Crees represented an average of 10 percent of all workers on the project, with a peak of 433 Cree workers in July 2008. Most of these workers lived on-site and held such jobs as loggers, janitors, clerks, heavy machinery operators, cooks’ helpers and drivers.

Hydro-Québec surveys of its Cree workers found, as of 2007, that almost 90 percent described working at the jobsite as a “positive” or



# DIAMOND IN THE ROUGH

By Jesse Staniforth

## Mining Is Booming in Eeyou Istchee—Can the Crees Maintain Control of the Industry?

**M**ining and mineral exploration have taken place in Eeyou Istchee for over a century. According to many people involved with the Cree Nation and the Cree mining industry, the entire nature of the industry changed after the signing of the *Paix des Braves* in 2002.

But Jack R. Blacksmith, President of the Cree Mineral Exploration Board (CMEB), sees more than just the *Paix des Braves* as the driving force of change in the Cree territory mining industry. “I think the whole northern part of Quebec has gone through a lot of changes related to mining,” says Blacksmith, “and that’s because the government has opened up a lot of ways to make it easier for companies to come in.

“And world markets have played a major role, especially with gold, in terms of how much the market price has gone up,” he

continues. “There’s a lot of exploration work related to gold in the territories. Even a lot of old mines have opened up again. There’s one in Waswanipi that they’re working on very hard.”

Because of the mining boom, the industry has gone from representing about two percent of the Cree economy roughly a decade ago, to demonstrating significant potential for expansion in Cree business and employment today. The *Paix des Braves* was a great help in making this possible, says Mary-Carmen Vera, General Manager of the Cree-owned Wemindji Exploration Inc., but the real thrust began before the agreement was even signed.

“Wemindji Exploration was incorporated in 1999,” she says, “but it was for training. The *Paix des Braves* helped us a lot, but the staking rush for diamond exploration started in 2000, after the discovery of the Attawapiskat deposit. At the same time, companies realized that





Wemindji was an area that also had development potential for diamond discovery. In less than a year, there were 40 different groups and five companies trying to do exploration just in Wemindji. For the community, this was something new: they had no history of mining, no mining companies and no people coming into their territories.”

However, with the signing of the *Paix des Braves* two years later, the nature of mining in Eeyou Istchee changed significantly. An immediate result of the agreement was the creation of the CMEB, whose mandate was set out in the *Paix de Braves*. The Board serves four integral purposes: to help Crees gain access to mineral exploration opportunities; to help develop mineral exploration ventures by Cree businesses; to help and encourage Crees to secure available provincial funding for mineral exploration work; and to help Crees and Cree businesses offer their services in the mineral exploration field.

At its root, the CMEB exists to use Quebec government funding to support large-scale projects by Cree prospectors within Eeyou Istchee. But even as the *Paix des Braves* was being signed and the CMEB was being set up, no one had any idea how much exploration and mining work was about to explode in the Cree territory.

“The mining boom really started in Eeyou Istchee in 2004 and 2005,” says Ugo Lapointe of Meilleure Mine Québec, an

environmental watchdog organization that keeps tabs on the mining industry. “We went from a maximum of \$20 million worth of exploration work per year in the Eeyou Istchee in the early 2000s, to something like \$100 million to \$200 million per year today. And the *Paix des Braves* was negotiated and agreed upon before that boom started. The chapter on mining [in the agreement] is only one page—the smallest chapter in the entire agreement! In comparison, the chapter on forestry issues is 16 pages long, although forestry accounts for a decreasing portion of Eeyou Istchee’s overall economy. If the *Paix des Braves* had been negotiated this year, the chapter would have been much more substantial.”

However, the importance of the *Paix des Braves* depends on one’s perspective. Chief Reggie Neeposh of the Cree Nation of Oujé-Bougoumou recalls that prior to the JBNQA, the community of Oujé-Bougoumou was relocated many times due to mining activity.

“When we established the community, with the help of the Grand Council of the Crees and other Cree communities of north Quebec, we were able to sit down and negotiate with mining camps,” says Neeposh. “Just last November, we signed Complementary Agreement number 22 as part of the *James Bay and Northern Quebec Agreement*, making us the ninth Cree community. With that recognition, we can sit down with mining companies and negotiate with them on everything from employment to the



Solomon Awashish works at the now-closed Troilus Mine, located outside Chibougamau.

environment, keeping in mind the effects of mining work on the land and the trappers. We never had that opportunity in the past. Mining companies would come in, explore, and the next thing you know, you’re being asked to move.”

Blacksmith sees a wealth of opportunities for the Cree people in the mining industry.

“Everybody knows that the workforce in the mining industry is very old, and training programs haven’t been that abundant,” he says. “It’s going to be a problem down the road, but I’m sure the Crees can help improve those numbers if they have the proper training. So training is very important for our people. Some communities have already started training for diamond drilling and exploration. In the Nation of Waswanipi and the communities of Mistissini and Wemindji, they’re training their people so they can gain access to the employment that’s going to be there.”

Indeed, he views training as a long-term investment with a long lifespan. “The Éléonore mine in Wemindji is going to be there almost 20 years,” he says. “That’s going to give good employment for individuals in the mining sector for a long time.”

Blacksmith has confidence in the recent changes in how mining is carried out; not only in Eeyou Istchee, but all across

Quebec. “These mines now have to go through very rigorous environmental studies, and they have to abide in accordance with the JBNQA,” he says. “That’s another change. Nobody comes in, makes a mess and just leaves anymore. They follow strict rules, and they have to set aside money for reclamation in the future.”

However, Lapointe is doubtful that the JBNQA and the *Paix des Braves* are strong enough to protect the Crees and the environment of Eeyou Istchee from the potential harm from mining.

“In my humble opinion,” he says, “I think the *Paix des Braves* should be renegotiated on issues of mining, because the context is not the same as when the agreement was negotiated. There needs to be a whole legal framework around exploration alone—the framework just isn’t adequate for controlling the impact. I think if Crees and other stakeholders in Eeyou Istchee looked at other mining acts, such as in Ontario, they’d see a model that would work in their territory: where companies are required to inform, consult communities and mitigate impacts for the exploration phase. One or two million dollars’ worth of exploration work can create an incredible impact on wildlife and waters—particularly when five, ten or more exploration projects are in the same area, creating cumulative impacts.”

However, Chief Neeposh is cautiously optimistic about both mining and the relationship between the Crees and the Government of Quebec.

“People are starting to realize we are never going to leave our dwellings,” he says. “This is our land, and these are our traplines. But we’ve never been people of opposition: we’ll sit down with you, in a non-confrontational style, where both of us understand the other, where we have memorandums of understanding, and begin the discussion from there. That’s our approach now, but behind all of this is our Cree culture, our way of life. We survive on the land. There’s room to negotiate in good faith—we’ve always been that way, and we’ve always tried to find ways to sit down with the companies. The onus is on them, but we like to build trust.”

Responding to Lapointe’s suggestion that the *Paix des Braves* needs to be renegotiated, Chief Neeposh says, “There’s still room for discussion. When I came in as Chief last year, I had the opportunity of going to the 10<sup>th</sup> anniversary of the *Paix des Braves*, but even now there are still a lot of issues that aren’t being implemented—you sign the paper, but nothing is really going forward. These are things that we recognize. But we shook their hands, and I hope we can trust them. It’s one thing to put something on paper and sign it; it’s another thing to see it implemented. That’s where the trust comes from. Only time will tell.” **EE**



# COMMUNITY SUCCESS STORIES

## Projects Made Possible by the *Paix des Braves*

In the 10 years since the signing of the *Paix des Braves*, many community projects have received the funding necessary for construction.



Cree education has benefitted greatly through the efforts of Cree leaders and the Government of Canada. Schools and childcare centres are accessible in each community.



Aanischaaumikw, the Cultural Institute, is a museum, archive, library, teaching centre and cultural centre, and a virtual hub designed for high-powered interactivity and fuelled by a soon-to-be-installed major multi-community fibre optic network. Located in the United Nations award-winning community of Oujé-Bougoumou, Aanischaaumikw has been developed in collaboration with all Eeyou Istchee communities, and helps “complete the circle” of the James Bay Crees’ quest to exercise full control over all aspects of their lives, communities and cultural destiny.



Nemaska’s new community administration building is under construction on the waterfront. When it is complete, the community of Nemaska will enjoy modern facilities, as a direct result of the *Paix des Braves*.

“Since the signing of the *Paix des Braves* agreement, the Cree Nation of Eastmain did sufficiently gain on capital projects to provide its municipal services to meet its obligations to provide for the needs and services to the CNE and its members....It’s given tons of opportunities to community members to start local construction companies and small business to get involved in the local economy.”

– Johnny Tomatuk, Eastmain

“*Paix des Braves* put into our hands many of the essential tools that we required to become major actors in the economic development of the territory.”

– Grand Chief Dr. Matthew Coon Come



Each community now has its own Band Council office.

“The *Paix des Braves* was our opportunity to take control and do what the Quebec government had failed to do [under the *James Bay and Northern Quebec Agreement*].”

– Eddie Diamond, Nemaska



The first Justice Centre opened in Mistissini in January 2011 (shown here under construction). Since then, five other communities have opened their own Justice Centres: Waswanipi, Oujé-Bougoumou, Chisasibi, Wemindji and Waskaganish. Whapmagoostui, Eastmain and Nemaska will receive their own Justice Centres in the near future.

“The *Paix des Braves* broke with the paternalistic way in which governments related to Aboriginal peoples in the past. It defined a new direction, one in which the Crees and Quebec both benefit.”

– Bill Namagoose, Executive Director of the Grand Council of the Crees



Modern houses are a significant benefit gained from the signing of the *Paix des Braves*.



The Mistissini arena is an example of the brand new sports centres constructed in each of the Cree communities.

“With the signing of the *Paix des Braves*, we entered into a new era not only for the governance of our territory, but also for how business operates here.”

– Romeo Saganash, MP for Abitibi-Baie-James-Nunavik-Eeyou



# CORPORATE SOCIAL RESPONSIBILITY

## Shining Examples Found in Eeyou Istchee

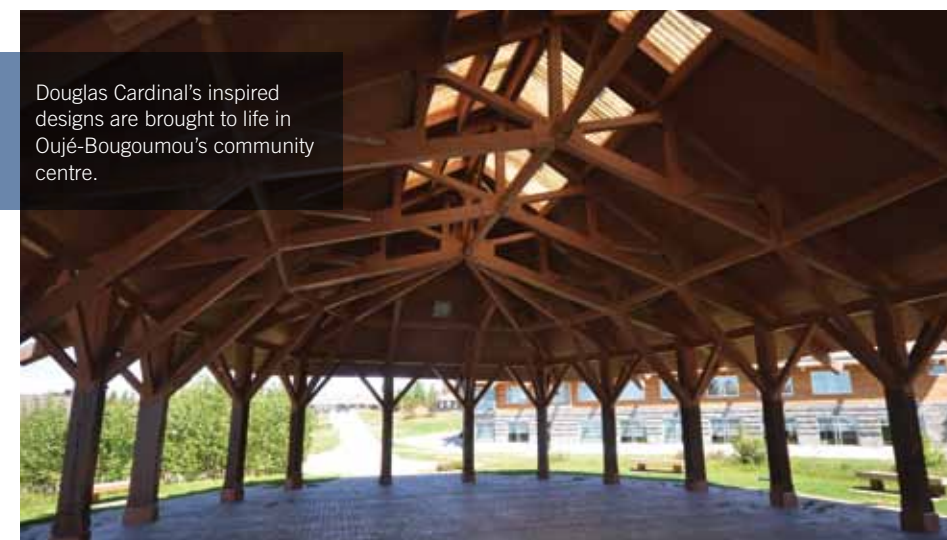
By Romeo Saganash



The community of Oujé-Bougoumou engaged noted Aboriginal architect Douglas Cardinal to design some of its major public institutions.



Oujé-Bougoumou installed a central alternative energy system to supply heat and hot water for the entire village by converting waste sawdust into energy.



Douglas Cardinal's inspired designs are brought to life in Oujé-Bougoumou's community centre.

Over my 20 years working for the Grand Council of the Crees, I was fortunate enough to witness many changes taking place in Canada and in Eeyou Istchee. We saw governments and business come to accept their responsibilities when it came to dealing with communities in our region. With the signing of the *Paix des Braves*, we entered into a new era not only for the governance of our territory, but also for how business operates here.

Corporate Social Responsibility (CSR) refers to the way companies integrate social, environmental and economic concerns into their operations. Many of the concepts that are today part of generally accepted CSR practices around the world can also be found in the original 1975 *James Bay and Northern Quebec Agreement* (JBNQA) and again in the *Paix des Braves*, signed in 2002.

Properly taking these concerns into account and formulating plans to address them are no longer seen as controversial ideas. In fact, CSR practices are now seen simply as a part of the cost of

doing business in Eeyou Istchee, and are factored into companies' business plans. We can take great pride in the fact that deals signed in our territory now serve as an international model for doing business in a socially responsible manner.

We now see major corporations in all sectors of the economy that have embraced these concepts. They have come to see that they can do right by the communities in which they operate, and still maintain their bottom lines. We see examples like the grocery chain Loblaws, which sends organic waste collected from stores in Ontario to biogas facilities to generate renewable energy; or Scotiabank, which created the Scotia Global Climate Change Fund, which invests in environmentally responsible companies; or, closer to home, resource company IAMGold, which has created programs to consult with local communities, along with active consultation groups and mechanisms to address grievances.

But it is not just in business where CSR principles can make a difference. Here in Eeyou Istchee, we can look to the award-winning

example of Oujé-Bougoumou for ways to develop sustainable communities. In order to ensure that the physical appearance of the new village reflected the proper cultural heritage, the community engaged the services of architect Douglas Cardinal to design its major public institutions.

Oujé-Bougoumou's housing program provides affordable, comfortable and energy-efficient housing to all community members, with an emphasis on local labour for the construction, and conformity with the natural terrain to reduce costs of water and sewer infrastructure. The community has also installed an alternative energy system in which it takes the waste sawdust from sawmills operating in the region, and converts that industrial waste into energy to provide heat and hot water for the entire village.

The energy system is proof that enough energy to serve an entire community can be generated in an environmentally responsible manner by developing small-scale projects, rather than depending on megaprojects.

Oujé-Bougoumou serves as a shining example of our philosophies and traditional practices being not only relevant to the establishment of modern sustainable communities, but being a practical solution that other communities can look to and replicate in their own territories.

We can take great pride that we have been innovators who have found ourselves at the forefront of creating better communities not only for today, but also for the generations to come. Through agreements like the JBNQA and the *Paix des Braves*, we have created a framework that respects the needs of our communities and aspirations of our people. It serves as an example of how we can integrate the social, environmental and economic concerns of all peoples and come away with better results for everyone involved. We have shown that it can be done well, and this now serves as one of our gifts to the rest of the world. **EE**

*Romeo Saganash is the Member of Parliament for Abitibi-Baie-James-Nunavik-Eeyou and helped negotiate the Paix des Braves.*





# GOING WITH THE FLOW

By Jesse Staniforth

The Eastmain project represents a turning point in relations between the Crees and Hydro-Québec, since the project proceeded with the consent, consultation and participation of the Crees.

## Collaborating with Crees Sets a New Way Forward for Hydro-Québec

Robert Jimikin recalls that during the Eastmain-1-A hydroelectric project development, Hydro-Québec was initially reluctant to work directly with tallymen like him in slashing and clearing contracts.

However, Jimikin didn't give up. He pressed Hydro-Québec to try the idea and, finally, he himself was the first tallyman given a clearing project—a small one. Within a couple of weeks, he'd gathered a crew, set up camp, and begun to cut and burn the wood.

"When they saw what we were doing," Jimikin says, "they said, 'Okay, let's open it up.'"

Jimikin points to this negotiation as an indicator of the way the Eastmain-1-A project showed things had changed from the early negotiations with Hydro-Québec in the 1970s.

Ten years after signing the *Paix des Braves*, the Crees have a demonstrably different relationship with Hydro-Québec than they once did, even after the *James Bay and Northern Quebec Agreement* intertwined their histories 40 years ago. The best illustration of this new liaison is Eastmain-1-A, whose concept was laid out in the *Paix des Braves*, and which began construction in January 2007.

"The project set a new precedent for lots of reasons, notably that land users were consulted from the preliminary design phase all the way to the construction phase," says Marc Dunn, Regional Coordinator for the Environment for the Niskamoon Corporation, which was incorporated in 2004 as a non-profit organization to manage relations between the Cree Nation and Hydro-Québec.

"It was a very complex project," Dunn says, "and it has set new

ground and new standards about how projects are done."

Eastmain-1-A is built on the same site as the existing Eastmain-1 project, adding an additional powerhouse to the dam site. It required the partial diversion of the Rupert River toward the dam complex, which also leads to the Sarcelle powerhouse. Water turbined there then continues on to three stations in the La Grande complex. As a result, when the project reaches its scheduled point of completion later this year, it will add 8.7 TWh to Hydro-Québec's annual total power generation.

While this may be interesting from an engineering perspective, the most groundbreaking aspect of the Eastmain-1-A development is that the whole project was undertaken with the consent, consultation and participation of the Crees.

"The *Paix des Braves* helped a lot," says Jimikin. He was Director of Public Works for the Mistissini Band Council until his retirement two years ago, but at the time the *Paix des Braves* was signed, he was a tallyman with his trapline in an area affected by the Eastmain-1-A development. "Prior to the *Paix des Braves*, for the first round of negotiations on Eastmain-1 in the mid-1990s, even at that time, we were involved. Those talks stalled, and then the *Paix des Braves* was being negotiated, which broke off into different tables. One of these was Hydro, which we got asked to be involved in.

"Across the negotiating table from Hydro-Québec," Jimikin continues, "there was one thing I kept throwing on the table: the direct involvement of tallymen and the families impacted by





Work proceeds on the Eastmain-1-A switchyard. Photo courtesy of Hydro-Québec.

this project. In the past agreement, all trappers and all tallymen benefited, but in the end very little actual benefit was directed to the impacted tallymen. All compensation was across the table for everybody, broken into small pieces, with subsidies here and there but never direct employment. So we said, ‘Why don’t you get tallymen involved in projects like clearing?’

“They were dealing with a different breed of tallymen,” he says. “My dad was a tallyman—he never went to school, spent all his life in the bush, and he had little business sense. Back then, exposure to non-native society was very small. But today, many of us have gone to school, have had permanent jobs in the community and maintained our work on the land. We knew what we were doing.”

“‘Niskamoon’ means ‘agreement,’” says Brian Craik, Director of Federal Relations for the Grand Council of the Crees. “And that’s what it was about. They have people from Hydro-Québec on the board [and directors recommended by the Grand Council], but they also have trappers as advisors. And they had probably a hundred meetings or more—those guys were meeting all the time. They were known as the monitoring committee, watching what was happening, bringing issues back, talking about how things did or didn’t work, and continually adapting the types of remedial issues being applied.”

The negotiations also created the Rupert River Water Management Board, which has three members from the Cree Nation and three

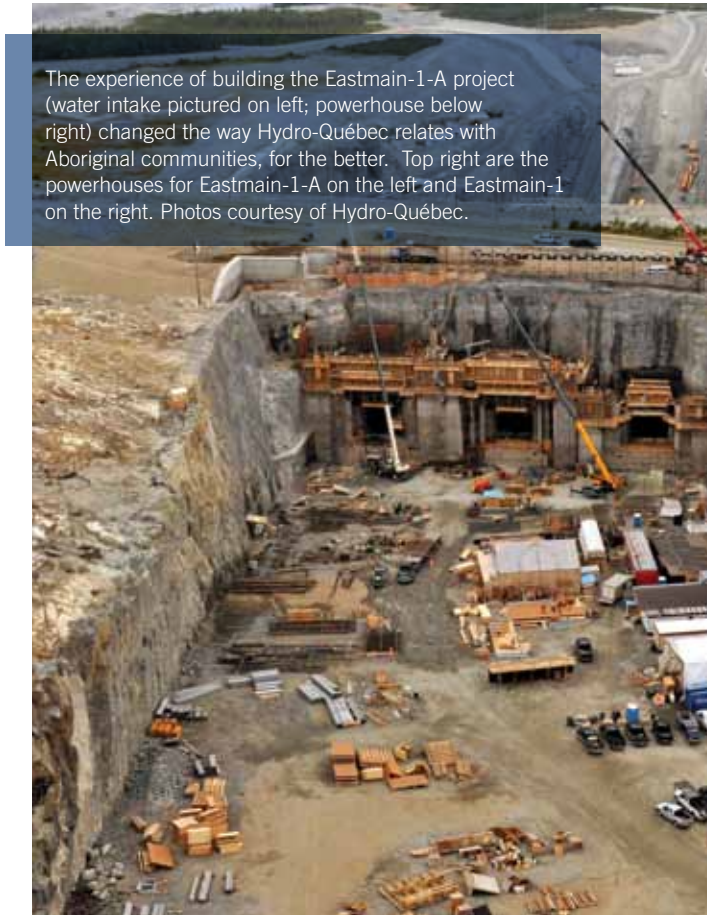
from Hydro-Québec, Craik adds. This group monitors the flow of the river and the timing of the spring freshet, the summer drawdown and the autumn freshet, since these determine the spawning of different species of fish. This regime is part of the Boumhounan Agreement.

Another issue was the extensive environmental oversight that the project underwent.

“It was very rigorous; there was a lot of scrutiny,” says Dunn. “That’s a lot of the reason why it was so innovative. For example, building a tunnel in the middle of the Rupert Diversion Bays to connect the newly flooded lands and limit the area under water. The same with the dikes: in the Rupert diversion area, where it’s flooded, it’s extremely efficiently designed. It minimizes the flooded area while not losing the water being transported to the EM-1 reservoir.”

Following the environmental oversight, Craik notes, there have been continual efforts to rehabilitate and replant land affected by construction, and to build artificial spawning areas for sturgeon, cisco and other fish. To date, the spawning areas have been extremely successful. Craik also recalls, as does Dunn, instances in which tallymen were at odds with Hydro-Québec experts over issues related to the land and the river.

“There was a bet between Hydro-Québec and the tallymen,” Craik says. “The tallymen said ciscoes could get up the rapids in one



The experience of building the Eastmain-1-A project (water intake pictured on left; powerhouse below right) changed the way Hydro-Québec relates with Aboriginal communities, for the better. Top right are the powerhouses for Eastmain-1-A on the left and Eastmain-1 on the right. Photos courtesy of Hydro-Québec.

part of the Rupert River, and Hydro-Québec’s fish experts said they couldn’t. They pushed Hydro to do studies, and lo and behold, a fair number of fish were making it up the rapids.”

“That’s basically the norm,” Dunn says. “Trappers say something, and we do a study that confirms it. It’s funny for them, but it shows how valuable the traditional knowledge is that comes from the land.”

Still, the pain of losing ancestral land to flooding cannot be understated.

“Whenever you lose the land that you’ve got accustomed to living on,” Jimikin says, “where we were taught by our parents, saw our children go out and get their first moose and their first goose, that loss can never be replaced. It’s always going to be there. This was a much bigger loss than it was a gain, but it’s a better gain than what happened in the 1970s.”

“There are always skeptics in the community,” Craik says, “people who’d never accept change to their environment. I understand that point of view. But the one thing that is fairly brutal is rapid economic and cultural change. They go hand in hand. The Crees of course are in the midst of that, as is most of the world.”

Jimikin recognizes the force of that change.

“I could have tried hard to block the project,” he says, “but in the end I’d have been a bitter man, and my family would be bitter. In



a way we were forced to accept it—what we thought wouldn’t have mattered. But at least on this project, we were directly involved by having these contracts and working alongside the non-native people. And there was a lot more respect. Hydro-Québec has come a long way, too. They’ve got a lot of new people in the office with a different mindset than the old guard. They’re more receptive to listening to us. They sat down and said ‘Let’s figure out what we can do together.’”

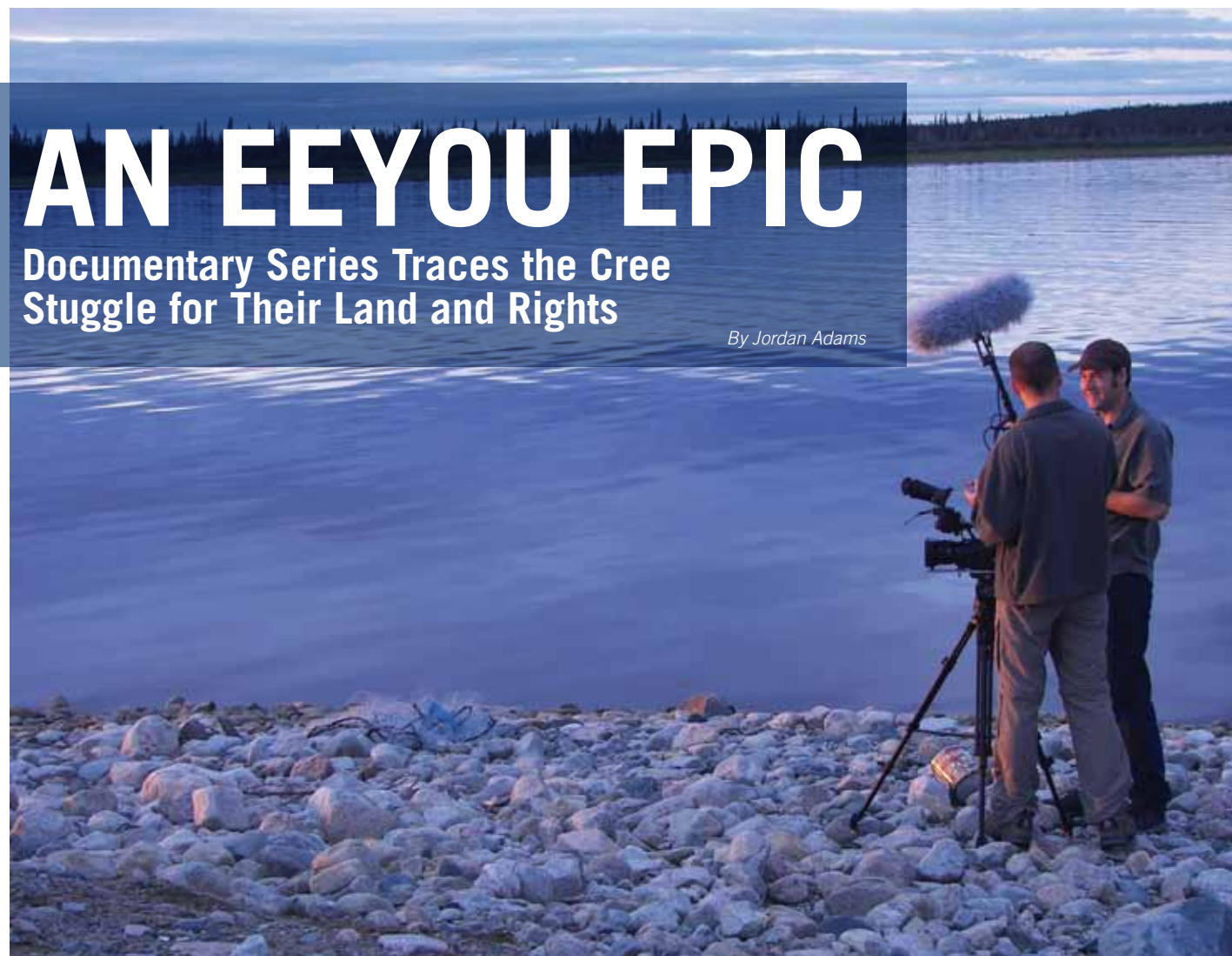
“The experience of Eastmain-1-A has changed the way Hydro-Québec relates with Aboriginal communities,” says Craik. “At least, I hope it has. First of all, Hydro-Québec’s policy on hydro projects is now: a project can go ahead if it will be profitable, if local communities accept it, and if it makes sense ecologically. All of these projects change the environment, and they all change Cree land use, but for the first time people from Hydro-Québec were continually asking tallymen their views on everything, continually asking workers for their input, and doing all kinds of surveys of workers’ opinions. All of this has been ongoing through the whole project, and it’s had a very positive effect.” **EE**



# AN EYYOU EPIC

## Documentary Series Traces the Cree Struggle for Their Land and Rights

By Jordan Adams



A landmark documentary film series is tracing the history of the James Bay Crees of northern Quebec, their tumultuous relationship with the provincial and federal governments, and the many struggles and negotiations they have faced in their efforts to protect their land and assert their rights.

“I’m tremendously honoured to be part of telling this story,” says director Franziska von Rosen. She says her approach was to tell a balanced story based on a range of Cree perspectives.

*The Eeyouch of Eeyou Istchee*, a four-part series, centres on the *James Bay and Northern Quebec Agreement* (JBNQA) and its ensuing challenges and successes. Many aspects of the decades-long conflict are portrayed, but the dominant themes are Eeyou Istchee and Cree rights of self-determination. Cree leaders—from the first Grand Chief, Billy Diamond, to the current Grand Chief, Dr. Matthew Coon Come—recount their stories of fighting for their land and their rights.

“The idea of doing a series of documentary films, hearing from leaders and the Cree people, and distributing it to Aboriginal

communities to be preserved for existing and future generations, that’s something that’s long overdue,” says Bob Chitty, owner and partner of gordongroup, the firm producing the series. He says there has been a great response to the series so far.

“It’s been very positive,” says Chitty. “We want to ensure the story is authentic, accurate and respectful so that the Crees are not misrepresented, which has occurred in the past.”

Chitty calls the opportunity a great privilege and a project of a lifetime. “Being in the audience at the film’s premiere in Montreal was the highlight of my career.”

So far, two episodes of the series have been released. They were distributed among the Cree communities and are also available on the website of the Grand Council of the Crees.

*The Eeyouch of Eeyou Istchee* begins in 1971 with then-Quebec Premier Robert Bourassa’s announcement of his plan for a massive hydroelectric development in the James Bay region—a development he called the “Project of the Century.” The Cree



community was outraged, and the first installment of the four-part series, “Together We Stand Firm,” follows the group of young Cree leaders as they battle with the provincial and federal governments over the La Grande hydro project. Many of the original signatories of the JBNQA recall their negotiation efforts and their struggles to voice their rights.

The second installment of the series, “Delivering the Promise,” released this year, looks at the problems that Eeyou communities faced after the signing of the JBNQA. Despite the benefits promised in the agreement, poor sanitation, inadequate housing, health problems and high unemployment were still rampant in Cree communities. The episode outlines these struggles, and shows how the Eeyou leaders hold the government accountable.

The third episode, currently in production, will look at how the Crees responded to the Quebec government’s announcement of more hydroelectricity projects in the 1990s. “There will be no more dams until the governments honour their commitments,” was the bold statement made by the Crees. The episode tells



The film team bundled up for the winter elements and swatted blackflies at other times while shooting for *The Eeyouch of Eeyou Istchee*. Spectacular aerial footage (top right) captures the expansive territory of Eeyou Istchee.



the story of how the project was cancelled, only to be followed by more challenges to the Cree Nation, including the possible separation of Quebec from Canada. It is slated for release later this year.

The 21st century will be covered in the fourth installment, set for release in 2013. This was a watershed period for the Cree Nation: new agreements were signed, relations with governments improved and life had changed. However, there were still issues with increased hydro development; this episode will cover current negotiations over Plan Nord, Cree governance, the changing Cree society and hopes for the future.

Von Rosen hopes all Canadians will get a chance to see the documentary.

“The primary audiences are the Crees, but it’s a story that I hope gets seen more broadly and used in Canadian schools and universities. It’s a chapter that is so little known by people in Canada.” **EE**



# CREE-QUEBEC COMMUNITY COOPERATION

*Paix des Braves Paved the Way*

By Paul Gessell

When Chibougamau's Manon Cyr ran for mayor in 2009, she campaigned on the need for the predominantly francophone town to develop stronger relations with neighbouring Cree communities. Voters apparently agreed.

"That was one of the reasons I was elected," Cyr says.

In 2011, Cyr, Mayor Steve Gamache from the nearby town of Chapais, and representatives from four Cree communities all met to discuss how they could cooperate on a continuing basis to further the economic development of their mineral-rich, sparsely populated area.

"It was an historic meeting," says Gamache.

So why did the Cree and francophone communities decide to build bridges instead of walls within the endless forest of the vast James Bay territory?

The answer, according to many key players in the region, can be found in a 10-year-old "nation to nation" agreement between the Crees and the Parti Québécois government of the day: the *Paix des Braves*. This treaty-like agreement ended longstanding legal disputes over implementation of the 1975 *James Bay and Northern Quebec Agreement* and paved the way for the Crees and the provincial government to jointly profit from mining, forestry and hydroelectric development on traditional Cree lands.

"The *Paix des Braves* created a good atmosphere," says Cyr.

Cree leaders agree, among them Romeo Saganash, New Democratic Party MP for the sprawling Quebec riding of Abitibi—Baie-James—Nunavik—Eeyou. Saganash says he believes the *Paix des Braves* sent a strong signal to both Cree and non-Cree populations that it was possible and advantageous to work together. The result: a rapprochement among all peoples at the grassroots level.

Some Quebec towns, such as Val d'Or, were faster than others to embrace the spirit of the *Paix des Braves*.

Abel Bosum has a job that might best be described as the Cree Nation's ambassador to Quebec. When asked about fallout from the *Paix des Braves*, he immediately mentions the 82-room Quality Inn and Suites that opened in 2011 in Val d'Or. The inn, part of the Choice Hotels chain, is jointly owned and operated by Cree Regional Economic Enterprise Company of Eeyou Istchee and Trahan Holdings of Val d'Or. This manifestation of Cree and non-Cree cooperation has been so successful that in the inn's first few months of operation, it was

named "Rookie of the Year" for achieving the highest customer satisfaction rating among the 60 Quebec hotels in the Choice Hotels chain.

Geoffrey Kelley, Quebec's Minister of Native Affairs, also praises Val d'Or, specifically citing the construction of the First Peoples Pavilion of the Université du Québec. This educational institution for Aboriginal students was largely financed by the federal and provincial governments, but the Val d'Or community also kicked in about \$1 million. The fundraising campaign in 2006 was jointly chaired by Ted Moses, a former Grand Chief of the Crees, and Val d'Or Mayor Fernand Trahan.

"This is one example of working together to move societies forward," says Kelley.

George Wapachee, director of operations for the Cree Nation of Nemaska, says that before the *Paix des Braves*, Hydro-Québec and mining companies would bulldoze into Cree territory without consulting trappers or other affected people.

"We were just people watching from the outside," says Wapachee, "and now we've come a long way since the *Paix des Braves*. Now they're taking our involvement into consideration in everything that they do."

The *Paix des Braves* was followed nine years later by the agreement on governance to allow Cree and non-Cree communities to jointly govern 70,000 square kilometres of so-called Category II lands of traditional Cree territory in the James Bay region. The final details of how to implement the new agreement were being negotiated this year. Whatever the final details, the concept of joint governance seems here to stay.

Despite these various landmark accords, periodic disputes over traditional Cree land sometimes erupt, but Bosum says he sees these disputes as normal. Saganash agrees, saying all development issues require debate. And the debates over mines, roads and economic development will continue in the future. Nevertheless, Bosum and Saganash both say the atmosphere between Cree and non-Cree parties remains positive.

The disputed Highway 167 extension is embraced by both the Grand Council of the Crees and Chibougamau Mayor Cyr as a catalyst for economic development in the area. So, Bosum is asked, has Cyr kept her election promise to develop better relations with the Crees?

Bosum pauses for a moment and replies: "I think she's heading in the right direction." **EE**





# JUSTICE IN EYYOU ISTCHEE

A Modern System Built on Cree Traditions

By Jesse Staniforth

Justice Centres in six communities. The first Cree Justice of the Peace. The Centre for Assistance to Victims of Crime.

Like so much in the recent history of Eeyou Istchee, the major changes in the area of justice now taking place in the Cree Nation are the result of years of legal wrangling and many hard-won agreements. These laid the foundation for the autonomous justice system now being built by and for the Crees—a powerful expression of the importance of Cree self-determination.

“If you look at Section 18 of the JBNQA [dealing with Administration of Justice for the Crees],” says Donald Nicholls, Director of Justice and Correctional Services for the Cree Regional Authority, “you see that it was already understood, even back then. Within that section it says that the courts operating in the Eeyou Istchee have to understand and respect Cree circumstances, ways, philosophy, beliefs and values.”

With the 2007 signing of the *Agreement concerning the administration of justice for the Crees between the Government of Québec and the Grand Council of the Crees (Eeyou Istchee) and the Cree Regional Authority*, incredible developments in the administration of Cree justice have been advancing quickly. The

agreement provided \$13 million per year in funding, indexed for 20 years, to aid in the development of the Cree justice system. The most visible result to date has been the establishment of Justice Centres in six communities.

For years, the itinerant court was held in local buildings, such as schools, which were often inadequate for that function. In some cases, victims and the accused were unable to speak privately with their lawyers. The new Justice Centres provide state-of-the-art courtrooms, designed to be circular to best reflect Cree values and outfitted with technology such as videoconferencing equipment for use in bail hearings or urgent matters to enhance accessibility and timeliness of justice. The videoconferencing setup may also be used for lawyers to contact clients, for testimonies by members of one community to another, and for families to contact loved ones in more modern correctional facilities.

Unlike conventional town courthouses, however, the Justice Centres offer an array of services to their communities, including community-based justice officers, reintegration officers, victims’ services, mediators, prevention programs and people working with Crees entering the corrections system. As well, the centres will house local Justice Committees. The first Justice Centre opened



in Mistissini in January 2011, and since that time centres have been inaugurated in Waswanipi, Oujé-Bougoumou, Chisasibi, Wemindji and Waskaganish. The Whapmagoostui Justice Centre is completed, functional, and awaiting its official opening, while the Nemaska Justice Centre will be finished in September. Eastmain’s Justice Centre will open in 2013. The centres and Cree justice personnel are the most concrete reflection of the need for justice in Eeyou Istchee to reflect the Cree way of life.

“The justice system has to reflect and respect and represent the people, because for it to work, it needs the confidence of the people,” says Nicholls. “That’s why there’s the provision in the JBNQA that says Crees can have justice in their language: they understood back then that language carries culture. To stand in front of the courts and have your trial in Cree is a big thing. Right now we use translators, but we hope one day we’ll be able to have trials all in Cree: Cree judges, attorneys and clerks. A fully integrated system.”

This sentiment has been repeated often at Justice Centre openings. Recently, following the opening of the Waskaganish Justice Centre, Gertie Murdoch, the first Cree Justice of the Peace and current chair of the Cree-Quebec Judicial Advisory Committee, reflected

along similar lines. “Our goal is to see everybody Cree in the courtroom,” Murdoch said. “It’s a long-term goal, but I think we’ll build as we go along.”

However, Murdoch personifies one of the difficulties facing Crees wishing to advance in legal professions: in 2004, following a Supreme Court ruling, Quebec decreed that Justices of the Peace must now be lawyers with 10 years of experience, effectively stripping all Cree Justices of the Peace of their titles.

Nicholls says this was a disappointing ruling, and refers to Section 18 of the JBNQA which states that “Justices of the Peace, preferably Crees, are appointed in order to deal with infractions to bylaws adopted by Cree local authorities and other offences contemplated in section 107 of the *Indian Act*. These appointments are subject to the approval of the interested Cree local authority.”

“We haven’t given up on Cree Justices of the Peace,” he says. “We’ve been working on negotiating with Quebec over having a Cree judiciary of some sort. We want a future where people walk into the court and can see themselves and know it’s a system that understands and respects them.”



Crucial to the concept of Cree-centred justice is the ability to pass laws specific to Cree communities, which came about in 1984 as a result of the *Cree-Naskapi Act*. Speaking at the opening of the Wemindji Justice Centre, Grand Chief Dr. Matthew Coon Come noted the importance of the changes that the Act introduced.

“Thirty-seven years ago,” said the Grand Chief, “the leaders of the day contemplated that one day we’d...replace the *Indian Act*. That we would find the mechanism and regimes in which we could incorporate and codify traditional customs, beliefs and values, and with that we could replace the *Indian Act*, because we felt the *Indian Act* was not a part of us. Thus came the *Cree-Naskapi Act* to replace the *Indian Act*, which therefore allows the Chief and Council bylaw powers.”

It is these bylaw powers that signalled a major development in Cree lawmaking, giving Cree communities the ability to pass laws in their own territories, says Nicholls.

“In the JBNQA, [in addition to legislating the need for justice that reflects Cree values,] there were provisions for things like transitional housing, post-release programs, and rehabilitation and reintegration programs,” he says. “That was in the 1970s, but it didn’t get implemented. From 1975 on there were other areas that Crees made progress in, but justice didn’t get a lot of traction. The *Cree-Naskapi Act* is what gave bylaw powers to the communities—the power to make law and impose summary convictions.”

In 1998, Nicholls was hired as the first Coordinator of Justice, at the same time as the Cree Regional Authority hired the first Coordinator for Police.

“Right away, we started building Justice Committees and providing funding through the Ministries of Justice of both Quebec and Canada,” Nicholls says. “But it wasn’t until 2007 that we got adequate resources in the justice agreement as it is today. Then we went through a shopping list of things in that agreement—largely what was set out in Section 18.”

Soon, the Crees formed a five-member Judicial Advisory Committee, including Nicholls and Murdoch, paired with a similar five-member committee of representatives from the province. At the same time, local Justice Committees were being developed, offering assistance in matters such as conflict resolution, mediation, sentencing recommendations, alternative sentencing (such as sentencing circles), as well as support for victims and reintegration for offenders returning from incarceration.

At the Wemindji Justice Centre opening, Grand Chief Coon Come said, “God forbid that this be a place where our young people are taken away, but I know we’re working on programs to help our young people and those who break the law, to allow them to be adapted back into society.”

The programs he is referring to are those that the Cree Regional Authority’s Justice and Correctional Services division has been working to put in place—both for prevention and for rehabilitation. Nicholls offers as an example the Cree Reintegration Education and Employment Program, informally known as “Jobs Not Jails.” His staff began by interviewing 150 Cree detainees who were coming into the correctional system, in order to find the common threads that united them.



“We looked at their education levels and their family situations. Were there addiction problems? Did they come from an atmosphere of violence and victimization? We looked at what types of jobs they had held in the past and what they would have liked to do. Then we got a picture of the clientele coming through the system, so we could start developing prevention programs to provide support much earlier. We wanted to identify people who were at a moderate to high risk of committing crimes at an earlier age to provide them with the skills and support they needed so they wouldn’t end up in the system,” Nicholls says.

As well, Nicholls points to the 2010 Chisasibi Symposium on Family Violence, for which his organization partnered with the Cree Women of Eeyou Istchee Association, the Cree Nation of Chisasibi, the Cree Health Board, the Elders Council, and the Eeyou Eenou Police Force to bring awareness to the issue. Along with a series of other programs—such as the Centre for Assistance to Victims of Crime (CAVAC), whose offices opened in 2010, or the variety of reintegration approaches that focus on bringing traditional foods to incarcerated Crees to remind them of their land and traditions, and bringing offenders out on the land when released from detention—Crees in Eeyou Istchee have a greater opportunity than ever before of pursuing justice in accordance with their own customs.

“Each community is rich in values and traditions,” Nicholls says. “Within the justice system, the objectives of public safety, deterrence, fairness and equity overlap with ideas of healing and community wellness. It’s a more holistic approach in dealing with a wrongful act. These are principles that have to be respected and integrated.” **EE**



# HEALTH AND EDUCATION

## Taking Responsibility Leads to a Bright Future

By Geraldine King

Growing up in Mistissini, Pamela MacLeod never imagined that her education would take her to London, Ont., and later to England. In 1990, MacLeod moved to London for secondary school, where she lived with family. “A part of me wishes I could have graduated in my community,” she says. “At the same time, I am happy that my brother had that opportunity to be a part of the first graduating class in Mistissini.”

Although her experience took place before the signing of the *Paix des Braves*, MacLeod views the agreement as a reminder of the positive changes that were taking place at that time, and what is possible now that it is in place. Since its signing, there are new schools in Cree communities and educational curricula that have been developed by Cree people for Cree people. This is a marked step away from the

education that young Crees received while under the jurisdiction of the church and then the Quebec government.

As a university student, however, MacLeod directly credits the Cree School Board for offering her the opportunity to study in Lancaster, England, and to bring her young son with her. She intends to bring her experiences from the “south” and from across the pond home with her when she completes her Bachelor of Arts in Environmental Studies at Carleton University in Ottawa. According to MacLeod, there is no shortage of work for people in the Cree communities, and she has been reminded by community Elders that “our people need people like you.”

MacLeod echoes the voices of many Cree people who insist the *Paix des Braves* will not solve all the problems that persist in





Nemaska students and their teacher visit the beach, where educational opportunities abound.

communities across the north, nor is it the reason why disparities continue to exist. Rather, the agreement is seen as a tool in the process of self-determination. At an event celebrating the 10<sup>th</sup> anniversary of the signing of the agreement, former Grand Chief Ted Moses—a signatory on the agreement—credited the *Paix des Braves* as recognition of the nation-to-nation relationship between the Crees and Quebec. Moses says he acknowledges that nations take time to build, sometimes hundreds of years, before the distinct benefits of sovereignty can be easily identified. But it is within the framework of decision-making governed by Cree people—and not external authorities—that will ultimately lead the Cree Nation into success for future generations.

According to the Public Health Agency of Canada, the overall health and well-being of any community is intrinsically linked to the education of its members. This is especially true in First Nation communities, where a connection to the land, language, mentors, Elders and access to traditional foods are important social determinants of health and well-being. MacLeod attributes her success in her environmental studies with the life-long teachings she received about the land from her family and other members of her community. She admits that at first she struggled with certain aspects of Western-based sciences, but when she applied her indigenous knowledge, she was able to make connections between what she was studying and what she already knew.

Through the *Paix des Braves*, the Cree have assumed full responsibility over their health and education institutions, which are based in holistic indigenous ways of knowing and recognizing the importance of culturally safe practices. Certainly, there remain disparities in the health and education of Cree communities—from diabetes to high drop-out rates—yet MacLeod’s experience illustrates that the narrative is changing, one Cree at a time.

In an interview with CBC regarding the 10<sup>th</sup> anniversary of the signing, Moses asserted that the collective success of the Crees will come to fruition through individual achievements. At the same time, MacLeod believes that because of the Cree School Board, she will be able to give back to her community ten-fold; she says her individual sacrifice of being away from her home and family are a small price to pay for the overall betterment of the people she loves. “I have a responsibility to give back to my community,” says MacLeod. “It is because of my people, my community, that I am where I am today.”

A new dawn is on the horizon for the Cree people. By assuming their rightful jurisdiction over health and education, the James Bay Crees design their own destiny. Throughout the past decade, and for decades before, the Cree people have demonstrated their success both collectively and on an individual basis. Although more work needs to be done in the areas of health and education, it is clear that the Cree Nation is headed in the right direction. According to Pamela MacLeod, the future is so bright, it’s blinding. **EE**



## Message from Ted Moses

*Chairman of the  
Cree Nation Trust*

**W**atchiya! This is the 10<sup>th</sup> anniversary of the Quebec-Cree New Relationship Agreement and it is a good time to reflect on what has happened since we decided with our partner Premier Bernard Landry to rebuild our relationship. The New Relationship Agreement, or the “*Paix des Braves*” as it is known, was a historic step forward as it gave the Crees the financial resources to decide how to fulfill many of the treaty obligations that the Government of Quebec agreed to in the 1975 *James Bay and Northern Quebec Agreement* (JBNQA).

The principles set out in the *Paix des Braves* are principles of peace and development. In the agreement Quebec and the Crees commit themselves to build a relationship based on ideas that unite us in developing the North and achieving the self-determination of the Cree Nation. The conditions on development are also guaranteed to ensure the continuation of Cree culture and language, and our traditional way of life in a context of modernization. The *Paix des Braves* also promotes mutually respectful relationships that result in greater autonomy for the Crees, increased responsibility for our economic and community development, and participation in development through partnerships, employment and contracts.

When the *Paix des Braves* was proposed to the people in 2001, there was reluctance on the part of some in the Cree community. There were those who thought the agreement was a fraud, as they did not believe that the formula for indexed funding would provide any more than one payment to the Crees. They were wrong. The formula has increased funding from the original level of \$70 million to today’s level of \$89 million—and this increase has occurred at a time of great economic instability elsewhere in the world! There were also others who predicted that the lower Rupert River would be uninhabitable after the diversion. Today there are as many—or more—people using the river as there were before the diversion.

Also, special means are called for to help Quebec and the Crees to work together in regard to forestry, mining and hydroelectric developments, such as the Cree Mineral Exploration Board, the special forestry regime, and collaborative measures for the planning and building of hydro and other projects.

This is also a good time to consider the Plan Nord, because it originates in the *Paix des Braves*.





The Plan Nord is being elaborated with the participation of the Crees and other residents of the territory and surrounding regions. The original plan to develop James Bay in 1975 was elaborated in Quebec City and Montreal. It was the lack of involvement of the Crees and Inuit in the early 1970s that led to the disagreements, demonstrations and efforts such as the “Red Hand” movement, and to the Kanatewat court case that is now a milestone in the making of Aboriginal law in Canada.

If you look at the original development plan for James Bay and Northern Quebec, it was not just the La Grande Project, but also the Nottaway-Broadback-Rupert and Great Whale projects that were proposed. The James Bay Development Corporation was the other major proponent of projects, and it had an aggressive mining development strategy and a strategy to reorganize the forestry industry in the region.

Once we had signed the JBNQA in 1975, we had a difficult time getting our own “Project Eeyou Istchee” going: the building of the Cree Nation. Even though governments had signed the JBNQA, those same governments started to put the brakes on—and often denied—what had been agreed to. Part of the reason for this behaviour was the recession that hit North American economies in the early 1980s; the governments pled poverty and refused to implement major parts of our treaty.

The JBNQA was signed at a time of economic optimism in Canada—especially in Quebec. However, in 1982 the economy stumbled. Interest rates shot up to 20 percent and, as a consequence, hydroelectric development slowed down, as did forestry and mining development.

Today, the Plan Nord is very different from the 1970s plan of Quebec to develop the North, because it is built on the foundation of the *Paix des Braves*. Our Cree Nation wants a much larger role in determining what the plan and its priorities for development will be, and Quebec now agrees to this. Moreover, since the construction of access roads opened the communities and telecommunications opened our imaginations, our people are much more aware of the potentials that exist. With growing social services in the communities, and in government, they see that education and training can actually lead to good jobs. The doors are open for our youth to find employment and economic opportunities anywhere in Eeyou Istchee, and beyond.

The word “development” means to release the potentials that are already there, but that are hidden from us. This is part of the heritage left to us by our ancestors. What could be more fitting than the Crees and our partners developing the future potentials of Eeyou Istchee?

The *Paix des Braves* agreement, signed a short 10 years ago, helped to open the doors for Aboriginal Peoples elsewhere in the world to exercise their rights by demanding a larger role in the decisions on how to develop the resources in their traditional territories, and who should benefit and share in them. This is the promise of the internationally recognized right of self-determination of indigenous peoples. The Crees and Quebec should be proud of their ongoing implementation of this human rights convention. **EE**

## Message from Former Grand Chief Matthew Mukash

**W**atchiya! It's my pleasure to address the Eeyou-Eenou (Cree) Nation about the 10<sup>th</sup> anniversary of the *Agreement Concerning a New Relationship Between the Government of Quebec and the Crees of Quebec*—the *Paix des Braves*.

The *Paix des Braves*, signed in 2002, is an agreement in which Quebec agreed to fulfill its obligations to the Crees under the 1975 *James Bay and Northern Quebec Agreement* (JBNQA). It is the result of years of persistent collective effort by the Eeyou Eenou to force Quebec and Canada to respect their treaty obligations. To illustrate this, it is important to briefly visit the part of our history from the early 1970s to the early 2000s.

On April 30, 1971, Quebec Premier Robert Bourassa publicly announced the James Bay Project. It involved damming major rivers flowing into James Bay and Hudson Bay to produce electricity as a way of improving Quebec's economy over the long term. Several huge dams and dikes were to be constructed, flooding tens of thousands of square kilometers of productive Eeyou-Eenou traditional hunting grounds in Eeyou Istchee, including our sacred burial grounds.

When news of the James Bay Project came to Eeyou Istchee, our people were shocked. A series of public meetings followed to discuss the project and to develop a strategy to ensure that the Crees were heard. The priority was to protect and preserve the land, our Eeyou-Eenou culture and our way of life. With enough professional and financial resources on hand, a court case was filed in the Quebec Superior Court to have Cree rights recognized and to stop the James Bay Project. The presiding judge, Justice Albert Malouf, handed down a historical decision that stated the Crees did indeed have rights over their traditional lands and that the project, which was already underway, must stop. This historic decision was, however, overturned within a week by the Quebec Court of Appeal with the argument that much financial resources had already been spent on the project and that, in any case, the balance of convenience must favour the Quebec majority. Clearly the interests of Quebec citizens in general had outweighed those of Eeyou Eenou—the original inhabitants of Eeyou Istchee. This was a grave concern for the Cree leadership.

The battle began and resulted in Quebec eventually agreeing to negotiate with the Crees. Quebec could not ignore the fact that the Malouf decision was, although it had been overturned, a





landmark ruling that over time would have significant impact on the Canadian justice system concerning Aboriginal rights in Canada. In the end, the JBNQA was the result of over two years of intense negotiations; it was signed on November 11, 1975. The JBNQA laid out the terms and conditions of a modern-day treaty (a first of its kind in Canada and elsewhere) that granted the Crees services that all Canadians had enjoyed for centuries, along with—among other things—an income security program for the continued pursuit of the Cree traditional way of life.

Immediately following the signing of the JBNQA, however, another problem arose. Both Quebec and Canada had refused to implement the agreement. Despite efforts by the Cree leadership for decades, only a few programs were delivered. When Premier Bourassa announced the second phase of the James Bay Project in the mid-1980s, which involved damming the Great Whale River, the Eeyou-Eenou Nation was convinced that Quebec was not interested in living up to its treaty obligations. In 1989, at a Special General Assembly, the Eeyou-Eenou Nation decided to oppose the proposed Great Whale River Project and all future resource development in Eeyou Istchee. An international public campaign was launched immediately, which focused on killing the markets for electricity in the United States (to which Hydro-Québec wanted to sell power). The Crees of Whapmagoostui were at the forefront of the campaign. With a persistent, concerted Cree effort—supported by environmental groups, concerned U.S. state government officials, prominent statesmen and public figures such as Robert Kennedy Jr.—the State of New York withdrew its signature from the sales contract it signed with Hydro-Québec. Most of the New England states also decided against buying electricity from Quebec. Not long after that, in 1994, the Government of Quebec shelved the Great Whale River Project because the demand for electricity in the U.S. had collapsed.

In late fall 2001, Quebec, having no other choice, came back with a proposal to settle all Cree claims filed in the courts. There was one condition: Quebec wanted the Crees to agree to the diversion the Rupert River. In return, Quebec would abandon a feature of the James Bay Project—the Nottaway/Broadback/Rupert Project. The Cree Nation was given 90 days to review and consider Quebec's offer that was laid out in an agreement-in-principle. On February 7, 2002, the *Paix des Braves* was signed between the Cree leadership and Quebec, and was ratified in a Cree Nation referendum. In essence, Quebec agreed to grant all its JBNQA obligations to the Crees, including implementation of Section 28 of the JBNQA on economic development; revenue sharing and joint management of and equitable Cree participation in resource development; and a host of other outstanding services. It was an important breakthrough for the Cree Nation in the context of treaty implementation.

For Quebec, the *Paix des Braves* was a big accomplishment that would help rebuild its reputation among other nations, and to use as a tool to attract investments, promote its economy and, more importantly, establish a presence in the North.

During the negotiations leading to the signing of the *Paix des Braves*, a segment of Eeyou-Eenou society saw the deal as controversial because the Cree Nation collectively had just saved the Great Whale River (at a cost of over \$10 million, most of which was Cree money) and also because it was negotiated in secret between the Government of Quebec and the Cree leadership. Those concerned felt that more time should be given to review the proposed agreement since it involved giving up another major river. The aim was to look at not only the outstanding issues in the JBNQA, but also for the Eeyou-Eenou Nation to develop and establish a comprehensive governance plan for Eeyou Istchee based on a strong land regime. But Quebec would address only claims that were filed in courts, with a form of revenue-sharing arrangement and other benefits added. The Cree leadership of the day convinced the Eeyou Eenou that opposition to the agreement was a huge risk and that any outstanding issues could be addressed at a later date. And so, the *Paix des Braves* came to life.

Among many questions that must be answered for our survival as a nation and a people in a fast-changing world, two important questions stand out: Will the land—upon which the Eeyou-Eenou culture and way of life was founded—be protected and preserved for future generations to enjoy, as our ancestors have done? And how are we to ensure there is a balance between our culture and traditional way of life (that make us distinct from other peoples) and resource development in Eeyou Istchee?

Meegwetch and watchiya! **EE**



## Message from Grand Chief Dr. Matthew Coon Come

**K**wey kwey kwey! On this, the 10<sup>th</sup> anniversary of the signature of the Quebec-Cree New Relationship Agreement, I send greetings to all of the Cree people and to our Québécois neighbours and partners. Let us hope that we continue to make improvements in the regional and local economies in the territory, and that our relationship with Quebec continues to improve.

I was part of the generation that came after those who negotiated the *James Bay and Northern Quebec Agreement* (JBNQA). I was in school when the JBNQA was negotiated and signed—at least when I was not protesting on Parliament Hill.

Today it seems easy to talk about negotiating a treaty, as there have been so many negotiated in recent years. However, in 1975, there had been no treaty negotiations since 1922, when Treaty 11 was signed. There had not been any treaty negotiations for over 50 years. There was no model to follow. The JBNQA started as an out-of-court settlement and was not the result of a pre-cooked policy of Canada. When the old, numbered treaties were negotiated, people did not know about human rights, nor were the Aboriginal peoples represented by legal counsel.

The Cree negotiators knew about their rights and they had a legal team to back them up.

Those of us who were in school when the JBNQA was signed were excited to get back home and work for our people. There was a sense that the Crees had broken the mould of colonialism! Still, there were many First Nations people who criticized the agreement, claiming that we should not have signed a treaty with Quebec. As the late Billy Diamond used to say: we wanted solutions to our problems, but we will do things differently from what others have done.

The treaty we signed was designed to break down barriers, to open doors with the province and with Canada that, in some cases, other Aboriginal peoples had never even tried to open. We opened our own school board, set up under Quebec laws and funded by Quebec and Canada. We set up our own Board of Health and Social Services under provincial laws, through which we could receive federal and provincial funding and programs. We opened local and regional governments under provincial and federal law. The list goes on, including police services, justice services, economic development programs, training and job search services, environmental and social protection, wildlife management and many more. The Crees assumed





the direction in providing the services to our people under these various regimes, while the province and the federal government had roles to play in providing administrative and financial support.

On returning home after school and getting out on the land again, I, like so many from other communities, was elected chief. It was evident in Mistissini at the time that not all the promised services were available in the communities. In Mistissini, the chief was still the first stop for most people, whether they wanted a job or were looking to resolve a family problem. Difficulties in getting health or education services often prompted people to come knocking at the chief's door. The institutions of public government stemming from the JBNQA were not yet seen by the Crees as their institutions, partly because they had not been properly implemented in the mid-1980s.

What we wanted at the time was to have schools and other institutions that people could trust and could enter into feeling that they belonged to the community. People needed to have facilities to deliver the promised services before they could feel that their rights were being respected.

I often felt very challenged as a chief to resolve all of the problems that came to me. People felt cheated and thought that the JBNQA was a fraud committed on our people, just as had happened in the numbered treaties. But this time the details of all the promises spelled out in the treaty made the feeling of having been cheated even deeper and more serious. As a chief, I worked with, among others, former Grand Chief Billy Diamond when he was chief in Waskaganish and on the executive of the Grand Council. That executive had people on it who knew what was negotiated in 1975. We had many long discussions on how to vindicate our rights.

After my time as chief I worked with Grand Chief Ted Moses and saw firsthand the way in which the clauses of our treaty were being minimized by Canada and Quebec until they meant nothing, at least to them. When I was elected Grand Chief in 1987, it was my intention to seek respect for our rights. When Quebec announced in 1988-89 that it would finish the James Bay Project by building the Nottaway-Broadback-Rupert and Great Whale River projects, we took this proposal to the Cree people.

At a general assembly in Montreal, the assessment from the people was that the JBNQA had been broken. This was the fundamental reason for our decision to oppose those projects. The experience with the La Grande project, the scale of the flooding, the threat of mercury poisoning and the inability of the Cree people to respond positively to the impacts of development—due to the lack of facilities in the communities—were equally important factors.

The result of 10 years of resistance to the proposed developments and other initiatives during the 1990s virtually stopped hydroelectric development in the territory. During those years, we did not fight *all* development; rather we fought against the proposed large-scale hydroelectric developments. Moreover, because the treaty had not been respected, the requisite training and economic development within the communities had not been carried out to prepare the communities to participate in any type of regional development. At the time, very few Crees worked in hydroelectric development, mining or the regional lumber industry. Employment was largely confined to the communities and was limited at a time when the population was growing.

The efforts of Grand Chief Moses and Premier Bernard Landry in the early years of the new millennium led to the signing of the

*Paix des Braves* agreement in 2002. This agreement established Cree-Quebec relations on a more solid footing, and speaks about a nation-to-nation relationship based on cooperation, partnership and mutual respect between Quebec and the Crees. According to the *Paix des Braves*, the new relationship is based on “a development model which relies on the principles of sustainable development, partnership and respect for the traditional way of life of the Crees, as well as on a long-term economic development strategy, principles which are in conformity with the provisions of the *James Bay and Northern Quebec Agreement*.”

The Plan Nord is just such a long-term regional development strategy. It calls on the Crees to participate in development. The Crees are planning projects with Quebec and with the region that would benefit the Cree people over the short and long term. Imagine the excitement recently in Val d'Or, where the Cree Nation Abitibi-Témiscamingue Economic Alliance Conference entitled “Construct the North – A Mining Conference” attracted over 400 participants from the Cree, Inuit, Québécois and other communities.

However, if the Crees are to fully benefit from this long-term economic development strategy, we must be fully engaged with the Government of Quebec in the planning process, on a nation-to-nation basis. It must be a strategy that will sustain the Cree way of life and the ecosystem. Only in this way can we provide for the future generations of Crees and Québécois residents of the territory. There is no necessary opposition between environmental protection and economic development. Our very cultures and identities are tied to the land and wildlife. At the same time, development is needed to create jobs and economic opportunities for our people and yours. Like other Quebecers, we want development that is sustainable and sensitive to the environment.

The Plan Nord will be a continuing process, not a single unchanging list of projects. The implementation of the process will be critical to its success. A special Cree-Quebec process is needed for the planning and implementation of the Plan Nord, and this will also have to be coordinated with other partners from the private sector that will fund most of these projects. This process will ensure that the Plan Nord provides concrete benefits to the Crees in critical areas, such as housing, infrastructure and energy, as well as substantial benefits for our neighbours in the region and Quebec.

Moreover, economic development is not enough. Participation in governing the territory is necessary for there to be a full partnership between the Crees and Quebec. The Framework Agreement on territorial governance has two main components. First, it provides for the creation of a new public regional government on Category III lands, which comprise 80 percent of the territory. This regional

government will be composed of representatives of the Crees and of the municipalities in James Bay. It will exercise powers of municipal management and act as a Regional Conference of Elected Officers, or CRE, with regard to economic development and land and resource planning. It will replace the current *Municipalité de Baie James*.

The second main element of the Framework Agreement provides for greater Cree autonomy on Category II lands. These are the lands over which the Crees have exclusive rights of hunting, fishing and trapping under the JBNQA. The Framework Agreement provides that the Crees will exercise powers under Quebec laws with respect to local and regional governance, and with regard to economic development, and land and resource planning, among other things.

A nation-to-nation agreement signals a new era in governance in the Eeyou Istchee James Bay territory. It's an end to the politics of exclusion, and the beginning of the politics of inclusion. A renewed partnership between the Crees and Quebec and a new partnership with our neighbours in the governance of the territory must be a partnership based on mutual respect, fairness and openness.

When we talk of a new partnership in governance, it is both Quebec and municipalities in the territory that we have in mind. We must promote and encourage working collaboratively with the Québécois municipalities in the context of the new regional government in the territory.

We are neighbours, and we share common hopes for a vibrant future formed by mutual creativity and with opportunities for our children, and their children. The new regional government will give us some of the tools we need to build that future together. The Framework Agreement and the Final Governance Agreement—now being negotiated—will provide for greater political and economic autonomy to the Crees and increase our participation in the governance of the territory, all within the context of Quebec laws and in cooperation with the local municipalities in the territory.

The JBNQA, the *Paix des Braves*, the Canada-Cree New Relationship Agreement and the Governance Agreement—shortly to be concluded—will allow the Crees to finally achieve the intention of the signatories of the original agreement: the realization of a better way of life and peaceful relations with our neighbours. What more could we ask for? **EE**







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