



**STATEMENT BY GRAND CHIEF DR. ABEL BOSUM**  
**TO THE**  
**STANDING SENATE COMMITTEE ON ABORIGINAL PEOPLES**  
**ON**  
**BILL C-70, *CREE NATION OF EYYOU ISTCHEE GOVERNANCE***  
***AGREEMENT ACT***

**MARCH 27, 2018**

**TABLE OF CONTENTS**

- I. INTRODUCTION ..... 1**
- II. CONTEXT ..... 1**
  - A. CREE NATION OF EYYOU ISTCHEE..... 1**
  - B. *JAMES BAY AND NORTHERN QUEBEC AGREEMENT*..... 2**
- III. CREE SELF-GOVERNMENT ..... 4**
  - A. OVERVIEW ..... 4**
  - B. *CREE NATION GOVERNANCE AGREEMENT AND CREE CONSTITUTION*.. 4**
  - C. *BILL C-70, CREE NATION OF EYYOU ISTCHEE GOVERNANCE AGREEMENT ACT*..... 6**
- IV. SPECIFIC QUESTIONS ..... 6**
  - B. RATIFICATION ..... 6**
  - C. GENDER BALANCE ..... 7**
  - D. HEALTH..... 7**
- V. CONCLUSION ..... 8**

## **I. INTRODUCTION**

1. Madam Chair, Deputy Chair, Committee Members, Wachiya, bonjour, good day. On behalf of the Cree Nation of Eeyou Istchee (James Bay, Quebec), I thank you for the invitation to address you in support of Bill C-70, the *Cree Nation of Eeyou Istchee Governance Act*.
2. With me today are former Grand Chief Dr. Matthew Coon Come, Deputy Grand Chief Mandy Gull, Youth Grand Chief Kaitlyn Hester, Executive Director Bill Namagoose and Corporate Secretary Paul John Murdoch. Also with us are the Chiefs of the Cree First Nations of Eeyou Istchee and other elected Cree community representatives.
3. We have provided the Committee over the past few days with extensive documentation on Cree self-government. It presents some of the key institutions of Cree self-government put in place over the past 40 years since the signing in 1975 of our treaty, the *James Bay and Northern Quebec Agreement*.

## **II. CONTEXT**

### **A. CREE NATION OF EYYOU ISTCHEE**

4. The Cree Nation of Eeyou Istchee counts more than 18,000 Eeyouch, or Cree, occupying our traditional territory of Eeyou Istchee. This territory covers around 400,000 square kilometers, and is located mainly to the east and south of James Bay and Hudson Bay.
5. We occupy and use intensively the entire area of Eeyou Istchee, both for our traditional way of life of hunting, fishing and trapping and, increasingly, for a wide range of modern economic activities, such as forestry, mining, construction, transportation and others.

6. As a result of massive hydroelectric and resource development over the past 40 years, the Cree of Eeyou Istchee have undergone extremely rapid and disruptive cultural, social and environmental changes. These changes have caused enormous stresses for the Cree in terms of our traditional way of life, culture, environment, health and society.
7. The Cree have shown extraordinary resilience in responding to these challenges. We have developed institutions and services to help our people in adapting to these changes. The Cree are rightly proud of our achievements in this regard. At the same time, we acknowledge that this is necessarily a work in progress and that much remains to be done.

**B. *JAMES BAY AND NORTHERN QUEBEC AGREEMENT***

8. To appreciate fully the significance of the *Cree Nation Governance Agreement*, the *Cree Constitution* and Bill C-70 for the Cree Nation of Eeyou Istchee, it is necessary to say a few words about our treaty, the *James Bay and Northern Quebec Agreement*.
9. Our treaty was not a gift from the Crown – we had to fight for it. It followed an epic court battle, precipitated by Quebec’s launch in 1970 of the massive James Bay Hydroelectric Project. Faced with this threat to our way of life, the Cree communities of Eeyou Istchee came together to assert our rights and fight the project.
10. Under the leadership of the late Grand Chief Billy Diamond and other Cree leaders, such as Philip Awashish, Robert Kanatewat and Fred Blackned, the Cree of Eeyou Istchee took legal proceedings in May 1972 in the Superior Court of Quebec to stop the project. In November 1973, the late Mr. Justice Albert Malouf granted an injunction to halt the project, recognizing that the Cree and Inuit did indeed have legal rights in our lands.

11. This judgement brought Quebec and Canada to the negotiation table. After two years of intensive negotiations, we signed the *James Bay and Northern Quebec Agreement* on November 11, 1975. With the adoption of the *Constitution Act, 1982*, our Agreement became constitutionally protected.
12. The *James Bay and Northern Quebec Agreement* contains over 30 chapters, addressing eligibility, a land regime, local and regional government, health and social services, education, justice and police, environmental protection, hunting, fishing and trapping rights, compensation, and community and economic development.
13. The *James Bay and Northern Quebec Agreement* was the first modern Indigenous treaty and land claim agreement in Canada. In some ways, it remains unique to this day.
14. Section 9 of the *James Bay Agreement* sets out the framework for Cree self-government on Category IA lands, where our communities are located in northern Quebec.
15. When the Cree signed the *James Bay Agreement* in 1975, we saw it as a partnership in governance and development with Canada and Quebec. It was in that spirit that we negotiated with Canada the special federal legislation to implement Section 9, the *Cree-Naskapi (of Quebec) Act*, which came into force in 1984.
16. In the years after the signature of the *James Bay Agreement*, relations between the Cree and Canada and Quebec deteriorated. Many disputes arose during the 1980's and 1990's, largely due to government failure to implement the Agreement.
17. A turning point in relations between the Cree and Canada came in 2008, when they signed the *Federal New Relationship Agreement*. This Agreement put an end to litigation between the Cree and Canada over the implementation of the *James Bay Agreement*. Of special importance today, the *Federal New Relationship Agreement*

sets out a process for negotiations between the Cree and Canada leading to a Cree Nation Governance Agreement and a Cree Constitution.

### **III. CREE SELF-GOVERNMENT**

#### **A. OVERVIEW**

18. This year marks the 350<sup>th</sup> anniversary of the arrival of Europeans in Eeyou Istchee. But, by the time they arrived, we had already been there, as self-governing Indigenous nations, for thousands of years.

19. So Cree self-government is not starting today with the *Cree Nation Governance Agreement*, its companion, the *Cree Constitution* and Bill C-70, their implementing legislation, important though they are.

20. Then what is their significance for us today? They are of critical importance, for two reasons. First, they build on the *James Bay and Northern Quebec Agreement* by bringing Cree Nation governance home to us, the Cree, where it belongs. Second, in doing so, they advance reconciliation between the Cree Nation and the Government of Canada.

#### **B. CREE NATION GOVERNANCE AGREEMENT AND CREE CONSTITUTION**

21. The *Cree Nation Governance Agreement* and the *Cree Constitution* strengthen Cree self-governance on Cree Category IA lands in Eeyou Istchee subject to federal jurisdiction in the context of our treaty, the *James Bay Agreement*. Together, they will provide the Cree with greater autonomy and flexibility in governance on these lands.

22. The *Governance Agreement* addresses three main subjects: the jurisdiction of the Cree First Nations and Cree Nation Government to make laws on Category IA lands, the land regime on Category IA lands, and financial arrangements with Canada.

23. Under the *Governance Agreement*, the Cree First Nations and the Cree Nation Government will keep the same powers and responsibilities on Category IA lands that they have now under the *Cree-Naskapi (of Quebec) Act*. Importantly, however, both levels of Cree government will exercise their powers by making laws, not by-laws as at present.
24. The *Governance Agreement* will provide the Cree First Nations with much needed stability and security, for it defines financial arrangements with Canada concerning governance on Category IA lands. With this predictability, the Cree First Nations will be able to plan for the long term with greater assurance.
25. The *Cree Constitution* is an internal instrument of Cree self-governance relating to the management of the Cree First Nations and the Cree Nation Government on Category IA lands. These arrangements are currently set out in the *Cree-Naskapi (of Quebec) Act* and will be transferred into the *Cree Constitution* once Bill C-70 takes effect. These arrangements address such matters as procedures for making laws and resolutions, the composition of elected councils, conflicts of interest, financial administration and accountability.
26. An important innovation for the Cree is that the Constitution removes the residual oversight of the Minister of Crown-Indigenous Relations in respect of certain by-laws and financial administration of the Cree First Nations. By removing this external oversight, the *Cree Constitution* makes the Cree First Nations and Cree Nation Government fully responsible for their self-government.
27. The *Cree Constitution* can change over time, if desired by the Cree. As an internal instrument of Cree self-governance, rather than a federal statute, the *Cree Constitution* can be amended in the future by the Cree Nation alone.

**C. BILL C-70, CREE NATION OF EYYOU ISTCHEE GOVERNANCE AGREEMENT ACT**

28. Bill C-70 provides for the enactment of the *Cree Nation of Eeyou Istchee Governance Agreement Act*. This new Act will give effect and force of law to the *Cree Nation Governance Agreement* and the *Cree Constitution*.
29. Upon its coming into force, this Act will, together with the *Governance Agreement* and the *Cree Constitution*, replace the *Cree-Naskapi (of Quebec) Act* for the Cree.
30. Bill C-70 does, however, provide for the continued operation of the Cree-Naskapi Commission in its “ombudsman” role of investigating representations made by beneficiaries regarding implementation matters.

**IV. SPECIFIC QUESTIONS**

31. Before concluding, let me touch on a few specific areas of interest to the Committee.

**B. RATIFICATION**

32. We have submitted to the Committee a detailed report on the consultations respecting the *Governance Agreement* and the *Cree Constitution* carried out by the Cree Nation Government in accordance with the protocol set out in the *Governance Agreement*.
33. The consultation process was robust, including information meetings in all the Cree communities. Further to this consultation process, the *Governance Agreement* and *Cree Constitution* were formally approved in the spring of 2017 by resolution by all the Cree First Nations.
34. The *James Bay Agreement* and the *Federal New Relationship Agreement* were both approved by referendum or vote. The *Governance Agreement* and *Cree Constitution* are based on the parameters set by these earlier agreements, fulfil a requirement of



Chapter 3 of the *Federal New Relationship Agreement* and are essentially modernizing an existing governance framework. Moreover, unlike earlier agreements approved by Cree referendum, the *Governance Agreement* and *Cree Constitution* do not entail any release or settlement of claims or legal proceedings. They therefore do not require another referendum for approval.

**C. GENDER BALANCE**

35. As Cree governance institutions have developed, they have made progress towards achieving gender balance. At present, almost half of the elected Chiefs of the Cree First Nations are women, as are growing numbers of their senior management.
36. At the regional level, Deputy Grand Chief Mandy Gull was elected by the membership at large last summer. Several department directors of the Cree Nation Government, and a majority of its employees, are women. The Cree Health Board and Cree School Board are both chaired by women, Bella Moses Petawabano and Kathleen Wootton, elected by the membership at large. This is another work in progress in Cree self-government.

**D. HEALTH**

37. In response to an advance question from Senator McCallum, we have submitted to the Committee certain detailed information provided by the Cree Board of Health and Social Services of James Bay concerning Cree health outcomes and self-government. To summarize:
  - (a) The Cree Health Board is an institution of Cree self-government established under Section 14 of our treaty, the *James Bay and Northern Quebec Agreement*;

- (b) All but one of the members of the board of directors of the Cree Health Board are Cree beneficiaries representing the Cree communities and the clinical and non-clinical staff;
- (c) Since the *James Bay Agreement*, the *Paix des Braves*, and subsequent funding agreements with Quebec, the Cree Health Board has made major investments in health and social services and facilities in the Cree communities;
- (d) Health outcomes have, with some exceptions, improved significantly in the Cree communities, including for gastro-enteritis (related to improved water and sewer infrastructure), tuberculosis, life expectancy, infant mortality and child hospitalization;
- (e) Suicide rates in the Cree region have been below the Canadian average since at least 1975, and far lower than for First Nations people in Canada generally;
- (f) New health challenges have emerged since the *James Bay Agreement*, including type 2 diabetes. However, due to concerted health service efforts, the number of new diabetes cases is slowly decreasing;
- (g) Certain health determinants, like education and average income, have improved between 2006 and 2016, while other contributing factors, like over-crowded housing, remain serious concerns.

## V. CONCLUSION

38. I hope that these comments will help the Committee to appreciate the importance of the *Cree Nation Governance Agreement*, the *Cree Constitution*, and Bill C-70 for the Cree Nation of Eeyou Istchee. It has been a long process, and we are very near to bringing it to a successful conclusion. We encourage the members of the Committee to support the prompt adoption by the full Senate of Bill C-70 to give

effect to the *Cree Nation Governance Agreement* and the *Cree Constitution* in order to advance Cree self-government and reconciliation between the Cree Nation and the Government of Canada.

39. I thank you for your attention. My colleagues and I will be happy to answer any questions that you might have.

Meegwetch.