

**SPEAKING NOTES**  
**FOR**  
**GRAND CHIEF DR. ABEL BOSUM**  
**TO THE**  
**STANDING SENATE COMMITTEE ON ABORIGINAL PEOPLES**

**STUDY ON NEW RELATIONSHIP BETWEEN CANADA AND  
FIRST NATIONS, INUIT AND METIS PEOPLES**

**OTTAWA**

**MAY 29, 2018**

Thank you very much for the opportunity to address this Committee today on an extremely important issue. I want to communicate to you a simple message—although it is a hard-won message that is the result of over forty years of struggles and challenges for the Cree Nation of Eeyou Istchee.

The simple message that I have for you is that it is possible to fully acknowledge and give substance to Indigenous rights in a way that does not negate the roles of provincial governments, the federal government and industry. In short, it is possible to implement all of the essential elements of the *U.N. Declaration on the Rights of Indigenous Peoples* and the sky will not fall. The current situation of our Cree Nation bears out this assertion.

Let me elaborate.

In the early 1970's, Quebec announced its plan to build the James Bay Hydroelectric Project—a project which, at the time, was the largest hydroelectric project in the world. Even though it would be built entirely within our traditional territory, this project was announced without consulting us and without obtaining our consent.

The prevailing concepts underlying this approach towards indigenous peoples by both resource developers and governments was based on the old, colonialist concepts of *terra nullius* and also the *Doctrine of Discovery*. These concepts held that the territories of indigenous peoples were not occupied by organized nations and therefore were open for acquisition by the European powers. According to these concepts, there could be no legal impediment to colonial settlement that would require discussions or consultations with the Indigenous peoples who occupied these lands, or to obtain their consent. The most radical form of these concepts held that

Indigenous peoples were simply non-humans, squatters at best, and without rights.

The Cree Nation refused to accept this premise. We took legal action, seeking an injunction to stop the James Bay Hydroelectric Project from going forward. In a surprisingly progressive decision at the time, the Quebec Superior Court granted us a temporary injunction to halt the project since, if it went ahead, it would cause serious harm to our culture and way of life in a way that could not be adequately compensated. A week later, however, the Quebec Court of Appeal suspended this decision, allowing the project to continue. But the initial decision confirmed that we did have rights in respect of our traditional territory, and Quebec and Canada were compelled to negotiate with us. The result was the *James Bay and Northern Quebec Agreement*, signed in 1975, the first modern Indigenous treaty and land claim agreement in Canada.

The JBNQA affirmed a number of key elements that were critical to building the Cree Nation, including: a partnership between the Cree Nation and Quebec in the future development of the territory; a measure of self-governance for our communities and for our Nation involving local and regional administration, health, education, policing and justice; a regime to ensure social and environmental protection in respect of future development projects; the protection of our traditional way of life; and support to realize our economic development potential.

However, both the Federal and Provincial governments fell far short when it came to implementing the Agreement. Over the course of the next two-and-a-half decades, we initiated legal actions and led public campaigns to redress these failures. We also strongly opposed certain new hydroelectric

development projects, such as the Great Whale Project, on our traditional territory.

After years of struggles, legal battles and public campaigns, both Quebec and Canada came to understand that we were serious about our rights and that we would challenge any initiatives on our traditional territory which did not respect those rights. In 2002, we signed the historic "Paix des Braves" with Quebec, and in 2008, we signed a "New Relationship Agreement" with Canada. These nation-to-nation agreements enabled us to begin to re-establish and re-build our relationships with each government on a new and more equitable footing, one of Nation-to-Nation partnership between equals.

The historic "Paix des Braves", or "Peace of the Braves", provided the mechanism for Quebec to meet its unfulfilled obligations under the original JBNQA by transferring their implementation and related financial resources to the Cree Nation Government. It also confirmed that development taking place on our traditional lands must comply with the Cree environmental and social protection regime under the JBNQA. Such development therefore requires social acceptability for the Cree, in effect, Cree consent and involvement. This requirement has now become a mainstay for all significant economic development projects within Eeyou Istchee.

The "New Relationship Agreement" with Canada was concluded in 2008, and transferred substantial Federal responsibilities under the JBNQA to our Cree Nation Government, along with the financial resources to carry them out.

These agreements affirmed our authority to govern ourselves, and our entitlement to participate in economic development within our territory.

We then undertook negotiations with Quebec to change the governance regime in Eeyou Istchee, northern Quebec, and to develop a governance system which would be based on our “inclusion”.

Pursuant to this *Cree-Quebec Governance Agreement*, the Cree Nation Government has assumed responsibility for the land use planning processes and resource management functions previously exercised by the James Bay Municipality over our “Category II lands”, a territory of approximately 70,000 square kilometers. At the same time, a new Eeyou Istchee James Bay Regional Government was created which exercises land use planning powers over “Category III lands”, a territory of approximately 300,000 square kilometers. This new Regional Government is comprised of equal numbers of representatives of our Cree communities as well as the non-Native municipalities in the region.

In our recent *Cree Nation of Eeyou Istchee Governance Agreement* with Canada, signed in July 2017, we have furthered the scope of our self-governing powers on Category IA lands under federal jurisdiction. The Cree First Nations and the Cree Nation Government now exercise these powers by adopting laws, not by-laws. And these laws no longer require the approval by Canada. This Governance Agreement has ended residual federal oversight of Cree local governance and financial administration on Category IA lands. We will soon be in the process of further developing our own Cree Constitution which enshrines our basic rights, institutions and governmental processes.

It has now been over forty years since we signed the *James Bay and Northern Quebec Agreement*. Since then, the Cree Nation has forged explicit nation-to-nation relationships with the federal and provincial governments; we have dramatically improved the standard of living in our

communities; we have eliminated the application of the *Indian Act* in Eeyou Istchee, and we play an important role in the governance and in the economic development of our traditional territory. We have worked hard over the past forty years to put all the necessary building blocks in place to engage in a unique form of Indigenous nation-building.

We have achieved all these advances and the sky did not fall. Canadians do not need to fear that recognizing, acknowledging and giving expression to Indigenous rights results in “giving the farm away”. It does not mean that resource development will come to a grinding halt, and it does not mean that Indigenous peoples are anti-development. On the contrary, we believe that embracing our rights is a necessary condition for the orderly and sustainable development of the resources within the territories of Indigenous peoples.

We have, in our own little corner of the planet, repaired hundreds of years of colonialism and we have moved to recreate our original sovereignty as much as possible within a contemporary context.

Our experience in Eeyou Istchee (northern Quebec) demonstrates one path for achieving reconciliation. We know, from first-hand experience, that reconciliation is not an abstract state of grace. We have learned that reconciliation is a practical endeavor that takes hard work, and that it can be done in a way that works for everyone. Since the signing of the *James Bay and Northern Quebec Agreement*, we have concluded some 85 additional agreements, including around 25 amendments to that original Agreement, to ensure that it reflects contemporary realities. Our Treaty is a living and evolving document.

For Canada there now exists an unparalleled opportunity to redress the historic exclusion of Indigenous peoples. The opportunity is there for

everyone to find the important mix between rights, governance and development.

We have learned that it is possible to transition towards a model that acknowledges our Indigenous rights, includes our participation, and creates the possibility for win-win arrangements, orderly and sustainable development, honour to the Crown, and harmonious relations among our peoples.

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