

The James Bay Cree (Eeyouch) and Inuit of Quebec: New Dimensions in Aboriginal Politics and Law

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In the spring of 1998, a group of community leaders and academics from across the country met at the annual Conference of the Learned Societies in Ottawa, Ontario, to make a presentation at the Canadian Sociology and Anthropology Association. Their presentations focused specifically on the Northern Quebec Cree (Eeyouch), but represented many different perspectives, including law, sociology, anthropology, and geography. Leaders from the James Bay area also made presentations. These scholars and community leaders, who made up the panel, initiated a vigorous debate on both the Quebec and federal governments' policies and programs directed toward the James Bay Cree (Eeyouch). In addition, the participants identified and provided background information on the many different concerns expressed by the Eeyouch in Northern Quebec.

The participants in the panel focused on many different issues, such as the history of ethnic relations in the area, policy issues like sustainable economics and biodiversity, the needs of the Cree, and Aboriginal rights. At the end of the half-day presentation, the panel was urged to make public its analysis and recommendations. After the conference, the scholars and community leaders were asked to review their oral presentations, revise them for the print media, and make them available to the guest editors of *The Native Studies Review*. The following is an introduction to those presentations with regard to the contribution of each of the papers. Because some of the formal papers appearing in this special issue are quite different from the oral presentations made at the conference, I will be commenting on both the oral presentations and the written commentary.

Before introducing each of the papers, it is important to note that when one writes about Aboriginal issues, one cannot be sure that what one says today will be true tomorrow. As many know, less than a quarter-century ago, Aboriginal politics were a marginal concern in Canada. Today, they occupy centre stage. Thus, the first challenge authors of these papers encountered was to incorporate the political and legal changes that took

place over the past year as well as the heightened awareness of critical environmental and social problems in the North. Moreover, over the past year, the special concerns of the Eeyouch have been more fully articulated and new concerns have been identified. For example, between the time it has taken to publish the work of this group of community leaders and scholars, a book entitled *Never without Consent* was published. This book, unknown to the participants as they prepared and delivered their presentation, focuses on the Eeyouch and their fight to retain their ethnic culture and find justice in Canadian society. While much is to be learned from the scholarly presentations, the book informs us as to the day-by-day exigencies of living in an Aboriginal community and is recommended ancillary reading for this special Issue.

Members of the panel agreed there is a need for a questioning and critical analysis of existing social policies and practices directed toward Aboriginal peoples. Moreover, there was consensus that there are no simple and universal rules that can be applied to all Aboriginal groups in Canada. Each region and group is somewhat unique, with its own set of problems and inherent resources. However, the members of the panel noted there are a number of important principles or guidelines – e.g., social justice, economic development, self-determination – that can be applied to Aboriginal peoples, including the Eeyouch.

Why is there such an interest in a group of people who were virtually invisible to most Canadians until recently? Two decades ago, the Eeyouch were engaged in hunting and gathering in northern Quebec, unknown to most Canadians. Today they are known around the world and have had and continue to have a tremendous impact upon the politics of Quebec and Canada. As Boyce Richardson noted, the Eeyouch have exposed the inconsistencies of the Bloc Québécois provincial political party in its bid for secession, caused confusion within the councils of a craven federal government desperate to avoid its fiduciary responsibilities, provoked Hydro-Quebec into a series of political mistakes, and caused American politicians to question the policies of Canada's energy barons. Moreover, they have come within one court decision of provoking a constitutional crisis for Canada. An amazing feat for a people who were virtually unknown twenty five years ago. How did this happen? How did this small group of Eeyouch in this area, numbering not much more than 10,000 (plus 8,700 Inuit and 7,700 non-Aboriginals), come to be such a political force in both provincial and federal politics?

The 1970s brought increasing attention to the Quebec north when the provincial government announced in 1971 that it would be building a

major dam in the James Bay area of northern Quebec. The extent of flooding that took place after the dam was in place is substantial and it forced the relocation of thousands of Aboriginal people (Inuit and Cree), changing their relationship to the land forever. However, it would not be until 1975, under intense political and legal pressure put forth by the Aboriginal communities, that the Quebec government reluctantly signed the *James Bay and Northern Quebec Agreement* that addressed some of the concerns raised by northern Natives. For the next two decades, the provincial government, Hydro-Quebec and the Aboriginal people have tried to sort out the operational components of the Agreement and re-establish their lives in a new environment.

In the early 1990s, the provincial and federal governments continued their push to develop the hydroelectric potential of the region and ignored the concerns of Aboriginal people by announcing the development of a new Great Whale hydroelectric project without consulting the Aboriginal people in the area. While this latest effort was rebuffed by the Eeyouch (but supported by the provincial court and upheld by the federal Court of Appeal), it once again highlighted the disrespect and disdain exhibited toward Aboriginal people by both the federal and provincial governments.

Moreover, we know that, since 1975, considerable tension has arisen among the three parties over the interpretation of some clauses of the *Agreement*. Aboriginal peoples argue that the governments have not fulfilled the terms of the *Agreement* and have engaged in many rounds of negotiation with the other parties. For example, as late as 1993, the federal government provided an additional \$35 million to five Eeyouch communities in order to increase sanitation and safety conditions as outlined in the original *Agreement*. On the other hand, provincial officials have argued that the 1975 *Agreement* gives Quebec the right to pursue hydroelectric development without consulting Aboriginal people. As Grand Chief Matthew Coon Come stated, "it is a shameful reminder of Canada's duplicity and ingratitude, . . . infamous as Canada's first modern broken treaty" (1997, p. 13).

A quarter of a century after signing the *James Bay Agreement*, there is a genuine feeling of betrayal on the part of the Eeyouch. They feel that the social and legal structures put in place to support Aboriginal values and ideas have been used by the two government to bypass Aboriginal needs and wishes. Moreover, Quebec has argued vociferously that, by signing the *Agreement* in 1975, the Eeyouch have renounced all their rights to the northern territory of Quebec. The fears and mistrust of the Eeyouch were founded when in 1996 the Quebec government went to court to contest

Aboriginal and treaty fishing rights of the Algonquins (The *Coté* case). In arguing against Aboriginal rights, the Quebec government argued that section 35 of the *Constitution Act, 1982* did not apply to Quebec. They also argued that Aboriginal peoples in Quebec do not have Aboriginal rights because such rights were not expressly recognized by French colonial authorities two hundred years ago. Finally, they argued that in Quebec's opinion, neither 16th century international law nor 16th century French civil law recognized that the Aboriginal inhabitants of Quebec had any Aboriginal rights, including land claims. At one point the lawyers for Quebec argued (the *Coté* case) that the doctrine of *terra nullius* was applicable to Quebec (Brassard, 1991).

The Eeyouch's position on dealing with Quebec can be best illustrated by quoting from a speech given by Cree Grand Chief Coon Come to an audience at Harvard University.

Let there be no mistake about this: the Bouchard government of Quebec has formally advocated the obliteration of the fundamental rights of Aboriginal peoples in Quebec, on the basis of the continued application of a discredited, unjust, and discriminatory doctrine. . . . First, the secessionist government of Quebec has now moved from policies to positions now being taken by the Quebec government appear to be that of a colonizer. Second, the government of Quebec is now seeking to place itself in a totally dominant role vis-a-vis Aboriginal people in Quebec by denying the existence of our constitutional rights. [Coon Come, 1996]

All of the scholars and community leaders at the conference noted that the continuing search for hydroelectric power and minerals will bring repeated clashes among the major stakeholders. They also agreed that the Eeyouch have worked toward two broadly based goals over the past quarter-century; self-determination, and retaining their rights to the land and its resources. All of the presenters noted that the Eeyouch have been able to draw upon the resources and support of the major pan-tribal organizations in Canada in pursuing these goals. Moreover, over the past twenty-five years, the Eeyouch have engaged in an amazing amount of political and constitutional manoeuvring, which has resulted in Canadians accepting them as part of the mainstream debates about environmental impact and economic development (Nichols, 1998).

However, it also was agreed that these negotiations have been only partially successful in obtaining a secure financial base for their organizational structure and obtaining guarantees that they will be active

participants in all ongoing debates involving land claims, Aboriginal rights or economic issues impacting the Eeyouch. Moreover, the papers reveal that this is a fragile condition upon which many internal and external events will impinge. How the Eeyouch are going to deal with these new and unanticipated events is yet to be determined. However, all agreed that the impact will be far-reaching and have long-term impacts upon Eeyouch culture.

We now move to a brief synopsis of the presentations of the panel members and papers included in the present volume. We begin with Zebeedee's passionate claim to his people's homeland. This articulate and insightful presentation demonstrates the clear sense of history of the Eeyouch, as passed from one generation to the next. Moreover, it provides an historical context and reveals the unilateral and colonial mentality that has prevailed over Aboriginal people in northern Quebec over the past three centuries. He also notes how limited participation in the First Ministers' Conference on Aboriginal Rights during the 1970s restricted their ability to assert their concerns and Aboriginal claims. However, he also goes on to note that it is of no surprise that little came from the Conference and Aboriginals have made limited progress in their Aboriginal rights claims. With recent (1998) statements by federal authorities that only Aboriginal people north of the 60th parallel should be federal concerns (with everyone else becoming provincial wards), Aboriginal people across Canada once again find themselves dealing with a unilateral, closed-minded government. These statements have stirred the passion of the Eeyouch people and increased their resolve to fight for a just solution.

Morse, in his seminal investigation into what Quebec separation would mean to Aboriginals, asks both theoretically insightful as well as practical questions with regard to the legal implications. He also forces the reader to reach into their theoretical understanding of liberal democracy and apply those principles to the Eeyouch. He goes on to identify the many complex questions that will have to be answered if secession takes place. While the first referendum in Quebec took place nearly two decades ago, we have yet to address the questions posed by Morse. In a wide-ranging yet focused paper, Morse asks questions such as: How would separation impact the federal and provincial fiduciary obligations to Aboriginals? Would the federal government retain any constitutional authority over Aboriginals? What are the options for Aboriginal people to decide their own future? What would happen to the treaties signed with Aboriginal peoples both in the pre- and post-Confederation era? How would Aboriginal rights be dealt with by the new sovereign Quebec government?

The author rightly notes that there is no Canadian jurisprudence that addresses these and other related questions. Hence the question of prediction becomes one of speculation. This is particularly true if Aboriginals move into a conflict stance and challenge the new Quebec not only through the legal system but also in the trenches. While there is no question Quebec could quickly put down any large-scale conflict with Aboriginals, they would have great difficulty in dealing with a guerrilla-type of conflict, particularly in the rural regions of which Aboriginals have an intimate knowledge. This is reflected in the statements by Ovide Mercredi when he was attending the annual general assembly of the Grand Council of the Crees (of Quebec) when he noted that if the federal and provincial governments did not listen to the Eeyouch, then they would have to have to take action to force them to listen. He went on to note that if the Eeyouch took such action, they would not be alone.

While Professor Morse does not suggest that his answers are "true" or "correct" answers, he does force separatists and federalists to appreciate how difficult an exercise secession will be when they have to deal with Aboriginals. The author's brilliant analysis resides in isolating key, principled questions that need to be answered if a successful referendum takes place. However, as the author notes, each question is like climbing a tree, depending on which branch you focus on, you will end up in different areas.

With the proposal by Hydro-Quebec to continue development of the north, Aboriginals have taken a stand. In resisting these new initiatives, they have been forced to deal with both the provincial and federal governments as well as with the giant national company, Hydro-Quebec. Two young scholars (Valentine and McDougall) correctly note that the conflict is not only played out in the courtroom. The use of public relations and advertisement strategies have become the new weapon of choice. Imagery through advertisement has become a new and powerful tool.

Valentine and McDougall, using public documents and publicity materials used by the National Film Board, offer insights as to how each of the major stakeholders in the government-First Nations conflict are depicted. Besides using lawyers, visual imagery is now becoming a standard component of inventories used by all sides in the conflict. Establishing a highly provocative environment for the interpretation of the action of the constituencies is now an important feature in conflict situations. When careful consideration is given by the message sender, the image and content of the message can shift sharply. As the Eeyouch have come to use this medium more effectively, their interest is not only in

visual documentation, but in using it to portray the "enemy." With a constant barrage of appropriate and constructed imagery, Aboriginal people have begun to articulate their message to a much wider audience and construct a new reality (Harlan, 1993). This arsenal of tactics is equally employed by other constituents in the conflict and each attempts to use it to their advantage.

Craik begins his assessment of Quebec-Cree relations by focusing on the nature and content of contemporary treaties or agreements that have been signed by government and Aboriginals elsewhere in Canada. He argues that the conditions under which Aboriginal claims now operate is instructive for the conflict between Eeyouch and the Quebec government. For example, he notes that the removal of social services, so prominent in the early agreements, now allows Aboriginals to focus on other issues when negotiating their claims. However, it is still clear that the concept of ethnic based government is problematic to the federal and provincial government's understanding of liberal democracy and its steadfast rejection reveals the two parties are miles apart. The author also notes that the 1975 *Agreement* promotes a federalist vision of Canada that is resisted by the Quebec government, which wants to change the content of the *Agreement*. It wants a policy that devolves social, economic, and legal responsibility to a non-Aboriginal regional level structure. In areas where the *Agreement* is unclear, the Quebec government is using an "effective occupation" strategy by turning to "ethnic Quebecois" to make decisions. Craik concludes his analysis by noting that the agenda of the Quebec government is based on Quebec ethnic nationalism and reflects a new accelerated colonization scheme for the northern people.

Gadacz argues that, just as Aboriginals are obtaining land and other resources, they now are falling under a transnational ideology which is drawing them into a global network. This new network will impose values and structural conditions upon them in ways never before experienced. External factors, emanating from countries around the world, will impinge upon Aboriginal people, who will have little choice nor any chance for preparing for the change. The question he raises is whether or not Aboriginal people can integrate the globalization process into their own networks of internationalization, a process not totally unfamiliar to them. It is clear that the land is beautiful but not giving and this poses a problem in developing the economic potential of the Eeyouch. Moreover, while some Aboriginals perch on the brink of prosperity, others have free fallen into a marginal life.

Gadacz argues that traditional ideas about "state territory" will no longer be the basis for operating in the global economy. He notes that

Aboriginal peoples will need to invent new concepts and ideas, free from the burden of the 18th and 19th century thinking, if they are to survive as a people and integrate into the new world economy.

How the Eeyouch people will be integrated into Canadian society remains a Gordian knot, but they are forcing us to begin untying it, allowing us to discover the complexity and magnitude of such an effort. The Eeyouch of Quebec have forced Quebecers and Canadians to address the pressing and vexing issues we all would prefer not to deal with or deal with in a way in which the majority feel comfortable. They are seeking justice and equality, values most Canadians hold, believe in and yet are unable to share with Aboriginal people.

Aboriginals are at a crossroads today, and what they and the government do will be important for the future of the nation. The Eeyouch experience has been a struggle to gain a place in Quebec and Canadian society: social acceptance, economic power and equal rights. In obtaining this goal, they have struggled to resist subjugation, preserve their traditions, and gain acceptance of their unique legal rights. They have come to understand that equality is not a given, an uncontested value and goal that can be understood devoid of history. It is adopted and actualized through constant struggle.

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