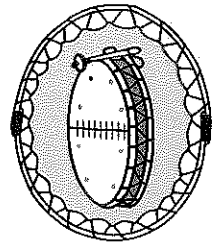




G.C.C.E.I.



C.R.A.
A.R.C.

COMMISSION SUR LA REPRÉSENTATION ÉLECTORALE DU QUÉBEC

PRESENTATION OF THE GRAND COUNCIL OF THE CREES (EEYOU ISTCHEE)

Montréal, June 12, 2008

COMMISSION SUR LA REPRÉSENTATION ÉLECTORALE DU QUÉBEC
PRESENTATION OF THE GRAND COUNCIL OF THE CREES (EYYOU ISTCHEE)
Montreal, June 12, 2008

Good afternoon Mr. President and members of the Commission,

My name is Matthew Mukash and I am the Grand Chief of the Grand Council of the Crees (Eeyou Istchee). I am accompanied today by legal counsel Denis Blanchette. On behalf of the Grand Council of the Crees (Eeyou Istchee), I am very pleased to have the opportunity to address the members of this Commission and I hope that our presentation can shed some light on the unique circumstances of our Cree Nation as you prepare your final report and recommendations on the revision of electoral boundaries in Quebec.

The Grand Council of the Crees (Eeyou Istchee) represents the Cree Nation of Quebec and the James Bay Cree communities. Most of the James Bay Crees live in the nine (9) Cree communities recognized under the *James Bay and Northern Quebec Agreement*. These are the coastal communities of Whapmagoostui, Chisasibi, Wemindji, Eastmain and Waskaganish, and the inland communities of Nemaska, Mistissini, Waswanipi and Oujé-Bougoumou. (See map at **Tab 1**)

We came here today in Montreal on behalf of the Grand Council of the Crees (Eeyou Istchee) to address those recommendations of this Commission that would affect the electoral district of Ungava. In this regard, you already heard some presentations at the hearings in Chibougamau, most notably those of Mr. Luc Ferland – currently the Member of the National Assembly for Ungava – and of Mr. Michel Létourneau – MNA for Ungava before Mr. Ferland. All those who made presentations in Chibougamau and in Val-d'Or were strongly opposed to any changes to the boundaries of the electoral district of Ungava. Their presentations focused essentially on describing the people and electors of Ungava as forming a "natural community". You were told that, despite their inherent differences, the three (3) communities – the Crees, the Inuit and the other *québécois* – co-existed peacefully; that certain features were unique to the land and

people of the region known as Ungava; that the institutions and communities had become integrated to the point where a sense of "natural community" had emerged over the past 30 years, and this, you were told, could well justify safeguarding the integrity of the current electoral district of Ungava, so insuring that a single MNA represent the interests of the entire region.

For the purpose of provincial elections, the electoral district of Ungava corresponds to a region that nearly covers the entire territory contemplated under the *James Bay and Northern Quebec Agreement*. (See map at **Tab 2**) As such, it includes all nine (9) Cree communities and the fourteen (14) Inuit communities of the Nunavik, as well as certain non-Native towns. On March 12, 2008, this Commission tabled in the National Assembly a report that contained various recommendations, including a drastic cutback of the district of Ungava in favour of the slower-growing districts of Abitibi-Ouest and Abitibi-Est. This proposal would have serious impacts on the people of Waswanipi and Oujé-Bougoumou as they would be separated from the other seven (7) Cree communities and they would be represented from thereon by a different MNA. This proposal would also impact on and affect the functioning and integration of various of our regional institutions, some of which have been built over the past 30 years. And most importantly, the breakaway of two of our communities would strike at the heart of our Cree Nation, the integrity of which has been solidified in recent times and has drawn on a history that spans over thousands of years.

While Canadian courts have departed from the American model of "one person – one vote", mathematical formula and the parity of voting power have remained inescapable elements in the determination of electoral boundaries. These elements however must be well balanced with and must not trample demographical, geographical and sociological considerations that form the basis of the quintessential principle of "natural community". In the reference on *Provincial Electoral Boundaries*, the Supreme Court of Canada noted that factors like geography, community history, community interests and minority representation may need to be taken into account to ensure that legislative assemblies effectively represent the diversity of the Canadian social mosaic.

In the search for a balance of effective representation between the various electoral districts, the Commission must find solutions that can address and respect both the principle of "natural community" for the people of Ungava on the one hand, and the imperatives of the mathematical formula and parity of voting power in regard to the neighbouring districts on the other hand. It is our submission that this is feasible and, with all due respect, we hereby invite the Commission to carefully consider various alternatives to the proposal contained in its preliminary report. We ask that particular attention be given to alternatives that are sensitive and respectful of the integrity of the "natural community" that represents the Cree Nation.

One of the main purposes of our participation today is to present some of the features of the Cree Nation and some of the elements that shaped this "natural community" over time.

As you may be aware, our ancestors have occupied the boreal forests of northern Quebec for at least 5,000 years, and some historians suggest that they were the first people to occupy the northern areas after the last ice sheet retreated some 8,000 or 9,000 years ago.

More recently, the James Bay area, which was controlled and used by the James Bay Crees, was deemed highly important by the first European colonizers for its fur resources. Both France and England competed for control of the fur trade in this area. In 1670, the King of England incorporated the Hudson's Bay Company through a Royal Charter granting this company a monopoly on trade over a vast area comprising the watershed of Hudson Bay and James Bay. This area was known as Rupert's Land. The Hudson's Bay Company opened and maintained various trading posts along the shores of James Bay. Some of these trading posts eventually became the site of some of today's Cree communities, like Rupert House (now Waskaganish), Eastmain, Old Factory (now Wemindji), Fort George (now Chisasibi) and Great Whale River (now Whapmagoostui).

At the time of Confederation, the *Constitution Act of 1867* contemplated the eventual admission of Rupert's Land within Canada on certain terms and conditions as approved by the Queen of England. In 1868, the territories of the Hudson's Bay Company, including Rupert's Land, were sold to England and in 1870, Rupert's Land was transferred from the British Crown to the Government of Canada. Over time, the Federal Government purportedly turned over the ownership of most of Rupert's Land to the provinces of Ontario (in 1889 and 1912), Quebec (in 1898 and 1912), and the Prairie provinces (in 1930). The land transfers of Rupert's Land to Ontario and Quebec were carried out subject to the aboriginal interests in these territories, and to the resolution by Ontario and Quebec of the aboriginal claims in the respective territories transferred to each province.

The aboriginal rights and claims to the portion of Rupert's Land transferred to Quebec were not the subject of a treaty until 1975 when the proposed hydroelectric development of a portion of that territory was being contemplated by the Government of Quebec. In 1971, the then Premier of Quebec, Mr. Robert Bourassa, announced the intention of the Government of Quebec to develop the vast hydroelectric potential of the James Bay territory located in Quebec. In pursuance of this ambitious project, the Quebec National Assembly enacted in 1971 the *James Bay Region Development Act*. This legislation provided for the creation of the Société de développement de la Baie James (SDBJ) and the Société d'énergie de la Baie James (SEBJ).

The James Bay Crees had up to this time been organized in various groups, some of which had acquired band status under the federal *Indian Act*. In light of the proposed development of the James Bay Territory by Quebec, various Cree leaders regrouped in the early 1970's under an organization known as the Grand Council of the Crees (of Quebec) in order to defend the collective rights of the James Bay Crees.

The Grand Council of the Crees (of Quebec) approached the Quebec Indians Association in order to initiate court proceedings to stop the proposed hydroelectric development, and for these purposes, a motion for interlocutory injunction was presented before the Quebec Superior Court in 1972. On November 15, 1973, Justice

Albert Malouf of the Quebec Superior Court, issued the injunction to stop all construction activity related to the hydroelectric development of the James Bay Territory. Although the injunction was suspended a few days later by the Quebec Court of Appeal, the Quebec Government decided to negotiate with the Crees and this led to the conclusion of an Agreement-in-Principle on November 15, 1974, and of the *James Bay and Northern Quebec Agreement* a year later.

The *James Bay and Northern Quebec Agreement* was the first modern treaty and is considered today as a landmark agreement that inspired the negotiation and drafting of subsequent agreements between aboriginal groups and governments. The *James Bay and Northern Quebec Agreement* is a comprehensive treaty protected under the Canadian Constitution. It contains 30 chapters and over 450 pages of text, in addition to a number of complementary agreements developed over the years. (See the JBNQA) The *James Bay and Northern Quebec Agreement* covers a wide range of subjects such as the land regime in the Nord-du-Quebec region, local and regional government, health and social services, education, the administration of justice, policing, the protection of the environment and development impact, hunting, fishing and trapping, economic and social development, and the forestry regime.

The provisions of the *James Bay and Northern Quebec Agreement* apply over the entire area of land contemplated by the Québec boundaries acts of 1898 and 1912. (See map at **Tab 2**). The Cree portion of this area of land in Quebec is part of what the Crees call “Eeyou Istchee” – or the Peoples’ Land. Through specific rights, the *James Bay and Northern Quebec Agreement* recognizes and affirms a system of land holding based on the use of the territory which was traditionally founded on the concept of family hunting grounds and trapping lands. This concept corresponds to the modern day system of Cree traplines. (See map at **Tab 3**)

In view of protecting Cree rights, including those to pursue traditional activities, and as a way of allowing the Crees to fully participate in the decisions over, and partake in, the development of the entire territory, a special environmental and social protection regime was established under the *James Bay and Northern Quebec Agreement*. As a result of

this regime, that includes impact review of development projects, the Crees have a large degree of control over and involvement in the development of the entire James Bay Territory in collaboration with Québec. Moreover, the *James Bay and Northern Quebec Agreement* sets out an adapted forestry regime which is based on the trapline system and in which the Crees are able to participate in the management of forestry activities conducted in the James Bay Territory.

Through the Cree School Board and the Cree Board of Health and Social Services of James Bay, two (2) of several institutions created under the *James Bay and Northern Quebec Agreement*, the Crees have jurisdiction with regards to public health and educational services in a large part of the James Bay Territory. A regional police force with jurisdiction in all nine (9) Cree communities and around these communities will soon be in operation for the implementation of police services and public safety.

Under the terms of the *James Bay and Northern Quebec Agreement* and federal legislation, the James Bay Cree Bands of Whapmagoostui, Chisasibi, Wemindji, Eastmain, Waskaganish, Nemaska, Waswanipi, and Mistissini are constituted as local governments and have municipal-type jurisdiction in their respective communities. The Crees of Oujé-Bougoumou are a collectivity composed of Cree beneficiaries who have been recognized as the ninth (9th) Cree community and which is soon to be formally integrated into the *James Bay and Northern Quebec Agreement* and the *Cree-Naskapi (of Québec) Act*.

The *James Bay and Northern Quebec Agreement* and provincial legislation recognize already the Cree Regional Authority as a regional government with powers and authority in various matters of common interest to the Crees. These powers will be further extended by virtue of several upcoming amendments to federal legislation, as well as a Cree Nation self-government agreement to be negotiated with the governments of Canada and Quebec.

In 2002, the Crees entered a New Relationship Agreement with Quebec, known as the *Paix des Braves*, thereby resolving long-standing disputes over the implementation of

the *James Bay and Northern Quebec Agreement*. A similar agreement was entered with the Government of Canada this year. Under both of these agreements, the Crees are intended to assume an increasing number of government responsibilities, all of which require a high level of regional administrative coordination and integration, as well as political liaison with both the governments of Canada and Quebec.

The Crees living in the nine (9) James Bay Cree communities share a common history and culture – they truly form a “natural community”. Being all beneficiaries of the *James Bay and Northern Quebec Agreement*, they have built over the past 30 years a number of institutions, most of which are well integrated on a regional scale. The momentum gathered recently with the signing of landmark implementation agreements with the governments of Canada and Quebec requires that the Crees work ever closer together, that they share a common vision and that they speak with a common voice on some of the issues that are common to all of them.

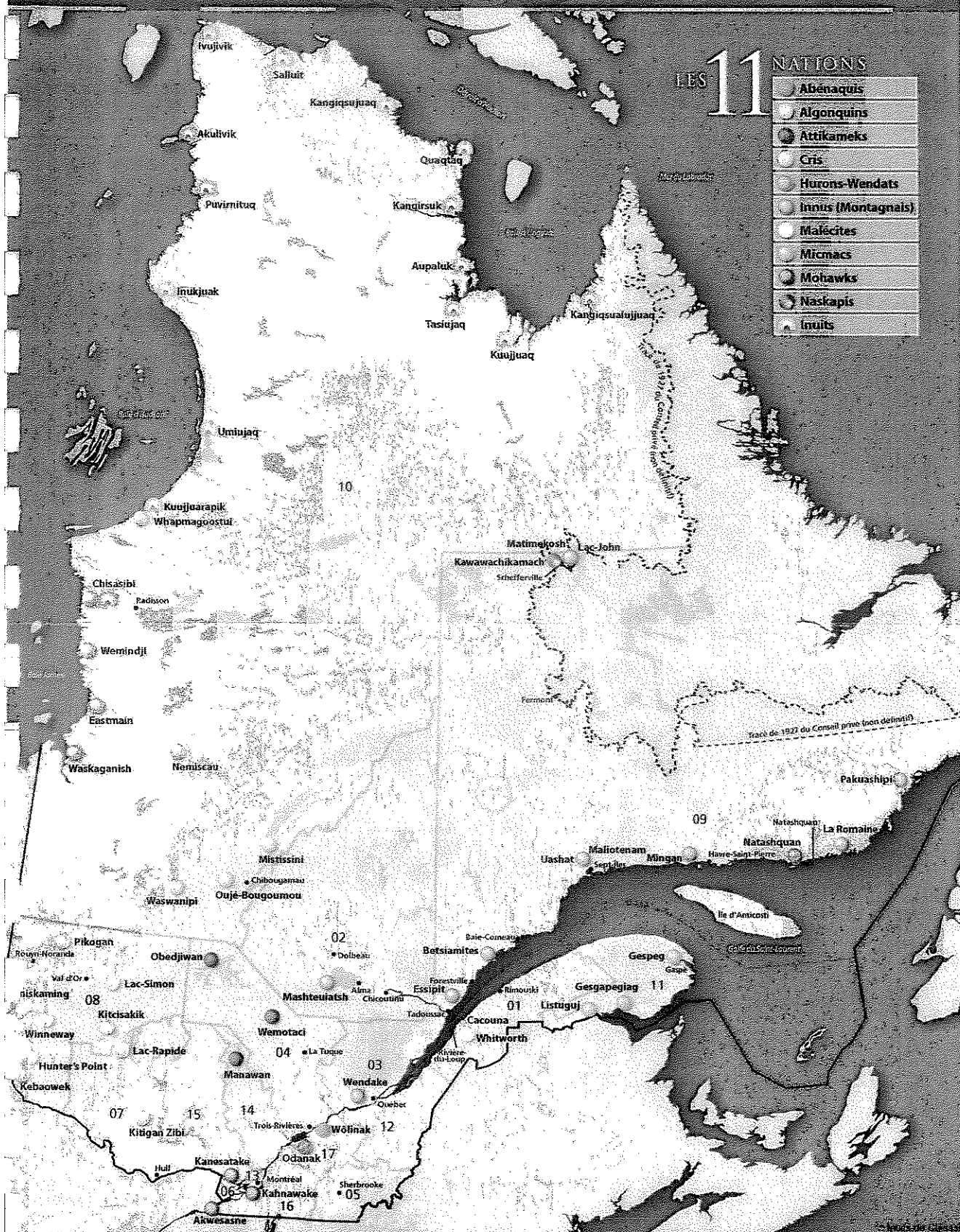
In this context, the proposal of this Commission of isolating Waswanipi and Oujé-Bougoumou from the other James Bay Cree communities is unacceptable.

With all due respect, the Grand Council of the Crees (Eeyou Istchee) is strongly opposed to it, and in this regard, for lack of appropriate alternatives, it supports the status quo.

Thank you very much for your time.

[MTL_LAW\1246461\1]

LES AUTOCHTONES DU QUÉBEC



LES 11 NATIONS

- Abénaquis
- Algonquins
- Attikameks
- Cris
- Hurons-Wendats
- Innus (Montagnais)
- Malécites
- Micmacs
- Mohawks
- Naskapis
- Inuits

LES 17 RÉGIONS ADMINISTRATIVES DU QUÉBEC




- 01 Bas-Saint-Laurent
- 07 Outaouais
- 12 Chaudière-Appalaches
- 02 Saguenay-Lac-Saint-Jean
- 08 Abitibi-Témiscamingue
- 13 Laval
- 03 Capitale-Nationale
- 09 Côte-Nord
- 14 Lanaudière
- 04 Mauricie
- 10 Nord-du-Québec
- 15 Laurentides
- 05 Estrie
- 11 Gaspésie-Îles-de-la-Madeleine
- 16 Montérégie
- 06 Montréal
- 17 Centre-du-Québec

Mars 2007





**TERRITOIRE DE L'ENTENTE
AGREEMENT TERRITORY**

-  Extension des frontières (1898)
Boundary extension (1898)
-  Extension des frontières (1912)
Boundary extension (1912)
-  Territoire de la S.D.B.J.
J.B.D.C. territory

1912

1898

1898

Trava de 1927 (Conseil Privé)

DISTRICT JUDICIAIRE DE L'ABITIBI

NOUVEAU BRUNSWICK

FREDERICTON

ILE DU PRINCE EDOUARD

CHARLOTTETOWN

OCEAN ATLANTIQUE

78° 76° 74° 70° 66° 62° 58° 54°

82° 78° 74° 70° 66° 62° 58° 54°



80°0'0"W 78°0'0"W 76°0'0"W 74°0'0"W 72°0'0"W 70°0'0"W

56°0'0"N

54°0'0"N

52°0'0"N

50°0'0"N

48°0'0"N

80°0'0"W

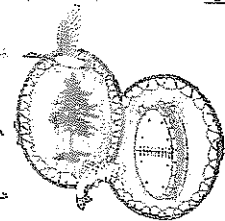
78°0'0"W

76°0'0"W

74°0'0"W

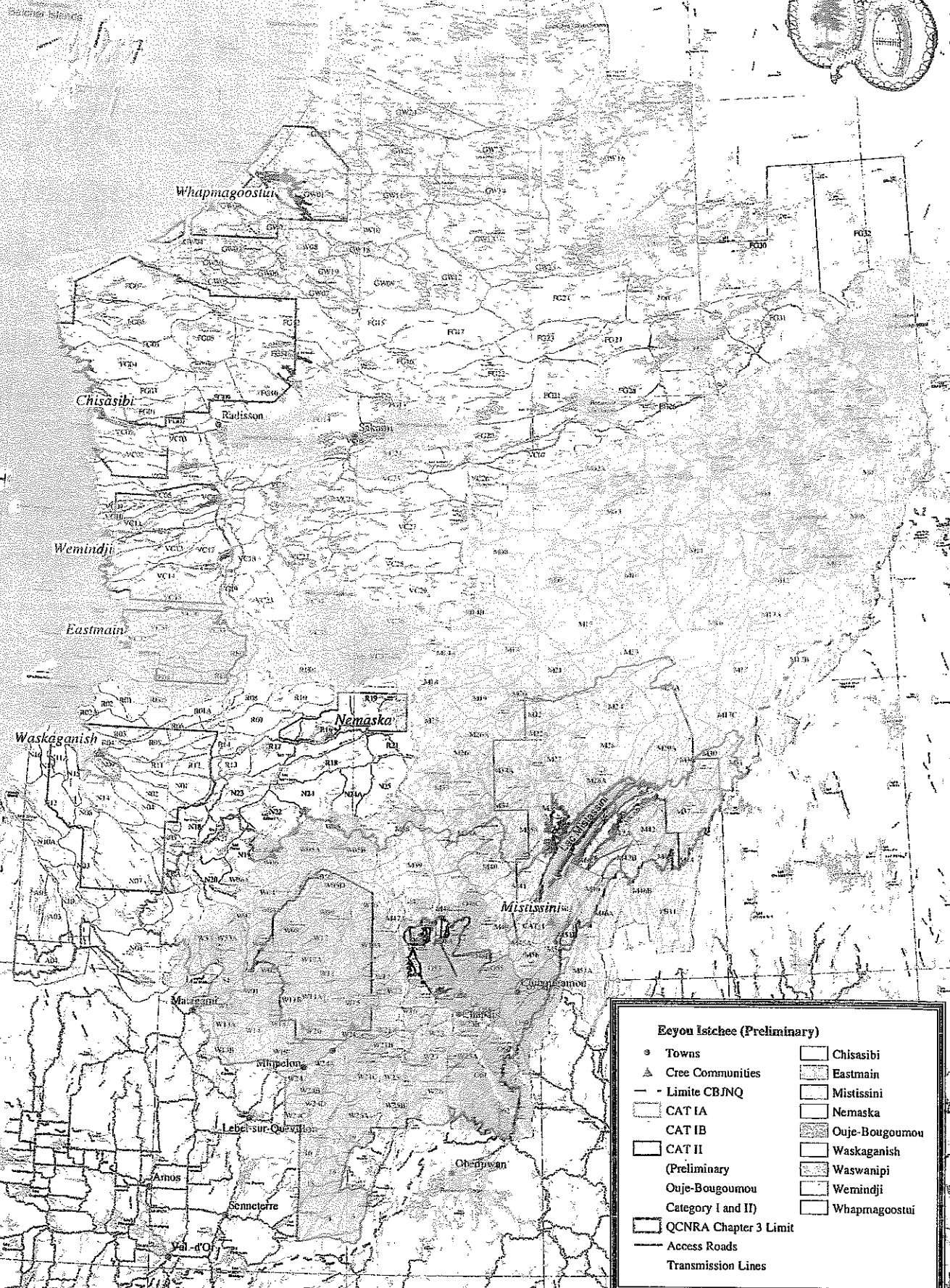
72°0'0"W

70°0'0"W



4007

4017



Eeyon Istchee (Preliminary)

- Towns
- △ Cree Communities
- - Limite CBJNQ
- CAT IA
- CAT IB
- CAT II
- (Preliminary Ouje-Bougoumou Category I and II)
- QCNR Chapter 3 Limit
- Access Roads
- Transmission Lines

- Chisasibi
- Eastmain
- Mistissini
- Nemaska
- Ouje-Bougoumou
- Waskaganish
- Waswanipi
- Wemindji
- Whapmagoostui