

M.A. THESIS
The Paix des Braves: A Path Toward Reconciliation?

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Abstract

This thesis examines the 2002 ‘Paix des Braves’ agreement between the government of Québec and the James Bay Cree and assesses how it has sought to establish a nation-to-nation relationship. The guiding question for this thesis is: “Is the Paix des Braves agreement between the government of Québec and the James Bay Cree an example of reconciliation?” Drawing on literature concerning reconciliation, this study argues that the Paix des Braves has failed to reconcile the government of Québec and the James Bay Cree from a radical perspective. The Paix des Braves agreement remains an agreement that has perpetuates colonialism in James Bay, and thus maintains the subjugation of the James Bay Cree to the government of Québec. However, this study suggests that the Paix des Braves has reconciled the James Bay Cree and the government of Québec from an institutional perspective. The living conditions in all nine Cree communities have drastically improved, and the Paix des Braves has offered pragmatic solutions to the social dysfunctions affecting the James Bay Cree. The Cree have gained political and economic autonomy and a level of control over the development of their ancestral lands.

Résumé

Cette thèse porte sur l'entente de 2002, la 'Paix des Braves', entre le gouvernement du Québec les Cris de la Baie-James et examine la manière dont elle a tenté d'établir une relation de nation à nation entre les deux partis. L'étude s'interroge sur la capacité de la Paix des Braves à créer un chemin vers la réconciliation. Cette thèse pose donc la question : Est-ce que l'entente de la Paix des Braves entre le gouvernement du Québec et les Cris de la Baie-James est un exemple de réconciliation? En se basant sur la littérature concernant la réconciliation, cette étude affirme que la Paix des Braves ne réconcilie pas le gouvernement du Québec et les Cris de la Baie-James d'un point de vue radical. En effet, la Paix des Braves demeure une entente qui ne questionne pas le colonialisme encore présent à la Baie James, et maintient les Cris de la Baie-James dans un état de subjugation vis-à-vis le gouvernement du Québec. Toutefois, cette étude suggère que la Paix des Braves a réconcilié le gouvernement du Québec et les Cris de la Baie-James d'un point de vue institutionnel. Les conditions de vie se sont améliorées dans l'ensemble des communautés cries de la Baie-James, et la Paix des Braves a offert des solutions pragmatiques aux problèmes sociaux qui affectent la population. Les Cris ont obtenu une meilleure autonomie politique et économique, de même qu'un certain contrôle en ce qui a trait au développement de leurs terres ancestrales.

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Introduction

Context

Canada has a long and complicated relationship with Indigenous peoples¹ who have historically inhabited Turtle Island (North America). Since contact first occurred nearly half a millennium ago, Indigenous peoples have faced the colonial agenda of the settlers, and resisted assimilation and land dispossession. The intergenerational trauma caused by centuries of colonialism has been well documented², and possible venues to improve to the complex relationship between Indigenous peoples and the Canadian state have been brought forward³. More recently, the literature surrounding State and Indigenous relations has attempted to identify possible venues for ‘reconciliation’. In 2005, The Canadian Truth and Reconciliation Commission (TRC) final report presented “reconciliation” as a solution to the intergenerational trauma caused by the Residential School system. An emphasis was put on moving past the sad events of the residential schools in order to move forward as one united nation (Truth and Reconciliation Commission Final Report 2015, vi). The authors of the report identified ninety-four *calls to action* that serve to “redress the legacy of residential schools and advance the process of Canadian reconciliation [...]” (Ibid., 319). These calls to action included (but are not limited to): a reform in child welfare, a reform in education, the celebration of Indigenous languages and cultures, an improvement in living conditions and Indigenous health, the acknowledgement of past harms

¹ The term ‘Indigenous’ will be used in this thesis to discuss the James Bay Cree nation (the Cree) as well as other First Nations, Métis, and Inuit peoples in the country. I have chosen to abstain from using the term “Aboriginal” as it is a political construction that seeks to circumscribe Indigenous identities in legal and political categories. The terms “Native” or “Aboriginal” will thus only be used in direct quotes in which the authors explicitly use this vocabulary.

² For an overview of colonialism in Canada and its impacts on Indigenous peoples, see Coulthard, Glen S. 2014. *Red Skin White Masks: Rejecting the Colonial Politics of Recognition*. Minneapolis: The University of Minnesota Press; and Simpson, Leanne. 2013. *Islands of Decolonial Love*. Winnipeg: Arbeiter Ring Publishing.

³ Canada ended the fifty-two years hiatus in 1975 from Indigenous-Crown treaty negotiations by creating modern treaties and agreements. Modern treaties are more complex than historical treaties, and focus on resolving two problems facing Indigenous peoples today. First, they settle outstanding land claims by “establish[ing] certainty of title to lands and resources”. Furthermore, an emphasis is put improving Indigenous communities’ living conditions, employment, infrastructures, and economic autonomy. (Jackson and Jackson 2009, 92)

committed by the federal government, the creation of a fair justice system, the implementation of the United Nations Declaration on the Rights of Indigenous peoples, etc. The minister of Aboriginal Affairs and Northern Development Canada, Carolyn Bennett has also adopted the term ‘reconciliation’. In a letter to her constituents distributed in January 2016, Bennett described herself as the first minister of “reconcili-ACTION [sic]”, and wished to “[renew] the relationship with the Indigenous peoples of Canada, the ‘unfinished work of the Confederation’” (Bennett 2016, 1). Through this statement, Bennett suggests that the previous attempts to reconcile the federal government and Indigenous peoples have failed because Indigenous peoples remain marginalized. Since the 2015 federal election, Bennett has injected millions of dollars in education, housing, and suicide prevention to improve the living conditions of Indigenous peoples both on reserves and in urban settings. Bennett has also contributed to the creation of a public inquiry regarding the cases of murdered and missing Indigenous women. As Glen S. Coulthard states in his book *Red Skin, White Masks* (2016, 106-7), reconciliation in Canada has been referred to as “the diversity of individual or collective practices that Indigenous people undertake to re-establish a positive ‘relation-to-self’ in situations where this relation has been damaged or distorted by some form of symbolic or structural violence”. Carolyn Bennett has addressed the violence inflicted to Indigenous peoples by improving their living conditions in the hopes of reconciling the government of Canada and Indigenous peoples.

Nevertheless, reconciliation is more than policy prescription. It can also be viewed as agreements signed between a government, federal, provincial, or both, and an Indigenous nation. Following the *Calder v British Columbia* (1973) case regarding a land claim conflict between the provincial government of British Columbia and the Nisga’a nation, the Supreme Court of Canada ruled that Aboriginal title existed at the time of the *Royal Proclamation* of 1763 and was not

derived from statutory law. At that time, the Supreme Court encouraged provincial governments as well as the federal government to settle conflict through the creation of new treaties and agreements (Lawrence and Dua 2005, 124). This decision prompted a new era of land claims and resulted in the creation of the first modern comprehensive land claim agreement two years later, in 1975, between the government of Québec and the James Bay Cree, titled the James Bay and Northern Québec Agreement (JBNQA). The JBNQA emerged out of the conflict caused by the hydroelectric development project that debuted in 1971 in Eeyou Istchee⁴. The James Bay Cree argued that the government of Québec was exploiting illegally a territory that had never been ceded by the Cree. Under the JBNQA, the James Bay Cree agreed to extinguish their title to the land in return of monetary compensation, and nearly thirty years later in 2002, the James Bay Cree and the government of Québec negotiated a new agreement, the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec, also referred to as the New Relationship Agreement, or the Paix des Braves. The Paix des Braves emerged out of the failure to implement the terms of the JBNQA. It promised the creation of a Nation-to-Nation relationship between the government of Québec and the James Bay Cree, and was therefore promoted by the government of Québec as a prime example of reconciliation. In essence, the Paix des Braves promised to increase Cree governance in all nine communities⁵ and create a partnership between both parties based on mutual respect and recognition. In regards to the name ‘Paix des Braves’, Ted Moses, former Grand Chief of the James Bay Cree, said the following:

⁴ Eeyou Istchee directly translates in Cree to “The People’s Land”, and is used to define the traditional territory historically inhabited by the Cree nation on the coast of James Bay. For the purpose of this study, the terms “James Bay” and “Eeyou Istchee” will be used interchangeably.

⁵ For a current map of James Bay including the nine Cree communities (namely Chisasibi, Eastmain, Mistissini, Nemaska, Oujé-Bougoumou, Waskaganish, Waswanipi, Wemindji, and Wapmagoostui), as well as Inuit communities and non-Indigenous towns, see Appendix 1.

[...] We needed a shorter handle... so we came up with the term *La paix des braves* [sic] meaning it's an agreement that was forward looking but yet addressed a lot of the issues... and a lot of issues that were sensitive to the Crees, meaning that the leaders of two nations were brave enough to make peace with each other over issues that have been big issues and have been fought in court and the media and the public. Making peace was a big thing. It was a big objective. (cited by Oblin 2007, 59)

Ted Moses' desire to "make peace" – or reconcile – with the government of Québec is the driving force behind the Paix des Braves. The Agreement sought to create a new relationship between the James Bay Cree and the government of Québec based on cooperation and mutual respect.

Thesis

Nearly fifteen years later, time has come to evaluate whether the Paix des Braves has succeeded in reconciling the government of Québec and the James Bay Cree. Based on the literature surrounding reconciliation and the literature on the current relationship between the government of Québec and the James Bay Cree, this thesis asks the following question: Is the Paix des Braves agreement between the government of Québec and the James Bay Cree an example of reconciliation? This thesis will suggest that from a radical perspective, reconciliation has not been achieved in James Bay because the 2002 Paix des Braves Agreement has failed to redress colonialism and has maintained the Cree nation in a state of political subjugation. Indeed radical reconciliation cannot be achieved within existing political channels, as they are inherently colonial. Canadian institutions and structures, including the existing land-claim agreements that reinforce the state's power without recognizing Indigenous peoples' sovereignty, further marginalize Indigenous peoples and contribute to the on-going colonialism in Canada. The agreement privileges a neoliberal understanding of the land; James Bay remains first and

foremost a territory on which there are numerous resources and a high potential for hydroelectric development. The Paix des Braves reinforces this vision of the land to the detriment of the Cree's interests. Furthermore, the Paix des Braves fragments Cree identity and governance in bureaucratic categories, and subordinates the communities to the authority of Québec. Despite a promise to create a nation-to-nation relationship, the Cree nation remains under provincial jurisdiction. This thesis will thus argue that radical reconciliation can only occur in James Bay through what Taiaiake Alfred has described as a process of resurgence, apology, and restitution (Alfred 2005:2). The Cree nation must be able to manage its own affairs and lands without being subordinated to Québec's authority. In brief, a Québec must surrender its control over the land, and create a true nation-to-nation relationship based on mutual respect, rather than on Cree subordination.

Nevertheless, the Paix des Braves has reconciled the James Bay Cree and the government of Québec from an institutional perspective. The agreement has put in place a series of new organizations and institutions that foster Cree autonomy and authority in James Bay. It has succeeded in integrating the James Bay Cree into Québec society by increasing employment rates in a variety of sectors. Furthermore, the revenues generated with the Paix des Braves have contributed to a drastic improvement in the quality of infrastructures and living conditions. Finally, the Paix des Braves has secured and legitimized Cree authority over the development and management of the territory and their people.

Research objectives and overview

The first chapter of this thesis will examine the literature surrounding reconciliation. It will define reconciliation as a remedy to a conflict. Since colonialism is the original cause of the

social dysfunctions affecting Indigenous peoples in Canada, this chapter will identify two trends in the reconciliation literature regarding the solutions to colonialism: the institutional approach and the radical approach. The institutional approach suggests that reconciliation can be achieved within the existing institutional channels. It promotes the creation of land claim agreements that circumscribe each party's rights to the land, and put an end to unresolved disputes by outlining Indigenous peoples as well as governments' rights and responsibilities. However, while the institutional approach can reconcile, it fails to address colonialism and its ramifications in Canadian institutions. The radical approach comes as a solution to this problem and suggests that reconciliation cannot be achieved within the existing channels because Canadian institutions are inherently colonial. In brief, colonialism cannot resolve colonialism. The radical approach thus suggests a process of resurgence, apology, and restitution through which a decolonization process can and must occur.

The second chapter explores the historical background behind the Paix des Braves. It examines the evolution of nationalism and Québec identity over the past four hundred years. It suggests that Québécois possess a strong sense of territoriality; their identity is intrinsically linked to their French origins and their presence in North America. They have used the land as protection against assimilation in an English-speaking continent. Their interest in James Bay is the result of this desire to exist and thrive as a nation, and as a state.

The third chapter is concerned with the Paix des Braves and its colonial nature. It argues that reconciliation cannot be achieved through the Paix des Braves because it perpetuates the domination of the provincial government of Québec over the Cree nation. This section examines the numerous forms of colonialism currently present on James Bay, and the Paix des Braves'

incapacity to address or resolve these colonial policies. It suggests that the Paix des Braves, despite a promise to increase Cree self-government, has failed to create a true nation-to-nation relationship.

Finally, the fourth and last chapter suggests that despite failing to address colonialism and establishing a nation-to-nation relationship, the Paix des Braves has nevertheless reconciled the James Bay Cree and the government of Québec from an institutional perspective. It has offered pragmatic solutions to increase Cree autonomy in James Bay, integrate them in Québec society, as well as improve the living conditions and employment rates in all nine Cree communities. The Paix des Braves has addressed and resolved the main concerns raised by the Cree leadership following the signature of the JBNQA and contributed to more peaceful relations between the James Bay Cree and the government of Québec.

In brief, this thesis argues that Paix des Braves is not an example of Indigenous revolution nor a solution to colonialism, but rather a step towards greater Cree political, social, and economic autonomy and control in James Bay. This research engages with core texts concerning reconciliation and colonialism, and provides an analysis on the value of the literature in the context of the Paix des Braves. This research further utilizes secondary sources regarding the James Bay Cree, the Paix des Braves, the JBNQA, and hydroelectric development in Eeyou Istchee. No interviews have been conducted for the realization of this research.

Chapter one – Literature Review and Theoretical Framework: Institutional v. Radical Reconciliation

Introduction

The notion of reconciliation suggests the existence of a conflict that requires a resolution. In order to achieve a resolution, the source (or sources) of a conflict must be identified to establish a plan to correct the trajectory: “In order to come fully to terms with their brutal pasts, [one] must uncover, in precise detail, who did what to whom and why and under whose orders” (Short 2005, 268). In Canada, the impacts of colonialism have been debated for two decades now. In 1996, a Royal Commission on Aboriginal Peoples (RCAP) was established to shed light on the social and political issues affecting Indigenous peoples in Canada. Its creation was also propelled by the 1990 Oka Crisis and the failure of the Meech Lake Accord⁶ and concluded that “more than 150 years of colonial and Canadian governments’ policy direction [have done] wrong” (Jackson and Jackson 2009, 249). In order to redress the colonial policies the Canadian state had put in place for over a hundred years, the Chrétien put in place a plan with four objectives: “renewing partnerships, strengthening Native governance, developing a new fiscal relationship, and establishing programs to help support Native communities and economies” (Ibid.). In brief, the RCAP acknowledged that the source of conflict was colonialism, and that the key to reconciliation was through the improvement of Indigenous living conditions and Indigenous peoples’ capacity to self-govern.

In its final report published in 1996, the RCAP demanded a public inquiry on the residential school system, and outlined the importance for government to publicly apologize to the victims and financially compensate them (Bélanger 2014, 13). These recommendations were

⁶ Refer to p.66-7 for a more in-depth analysis of the Meech Lake Accord

never implemented, and the debate surrounding the residential school system reopened ten years later with the creation of the Truth and Reconciliation Commission (TRC). While the RCAP had acknowledged that the residential school system was part of a larger colonial agenda, the TRC has attributed most of the intergenerational trauma in Indigenous peoples communities to the residential school system. Although the TRC was created several years after the signature of the Paix des Braves, it is important to discuss its mandate and impacts because it has been representative of the federal government's tactic to solve the social, political, economic, and cultural issues affecting Indigenous through policy prescription. The TRC has defined reconciliation as "an ongoing process of establishing and maintaining respectful relationships. A critical part of this process involves repairing damaged trust, making apologies, providing individuals and collective reparations, and following through with concrete actions that demonstrate real societal change" (TRC 2015, 16). The federal government has focused on eradicating the trauma caused by the schools through the creation of new educational and housing strategies that seek to improve the living standards on reserves. It has also provided monetary compensation to the victims (Warick 2011, 1). In 2008, former Prime Minister Stephen Harper issued a state apology on behalf of the Canadian Government to the victims of the residential schools. Although the apology was presented as a first step toward reconciliation, it failed to acknowledge the true root cause of the social dysfunctions affecting Indigenous peoples in Canada today. Harper stated that it "was a sad chapter in [Canadian] history" (Aboriginal Affairs and Northern Development Canada 2010) but failed to acknowledge the colonialism responsible for the implementation of the residential school system. The impact of "colonialism" was never acknowledged in the state apology, and the denial of Canada's colonial past was made

clear during the 2009 G20, when Harper infamously said: “Canada has no history of colonialism” (Ljunggren 2009, 1).

In his book *Red Skin White Masks* (2014, 107-9) Glen Coulthard suggests that the Canadian government has ignored its colonial heritage by wrongly assuming that tensions with Indigenous peoples can be solved through what he calls “transitional justice”. Coulthard defines transitional justice as a process in which victims of mass atrocities come to terms with their past and enter into a process of reconciliation. Transitional justice allows victims to identify the cause of their trauma, and propose solutions available to them (Ibid, 108-9). For instance, transitional justice was used in post World War II Europe to address the damages inflicted on the Jewish population. In the Canadian context, Coulthard suggests that the government of Canada has used “transitional justice” even though what Indigenous peoples face is a situation that is “non-transitional”, as there is not a single event that can be identified as the source of the conflict (Ibid.). Rather, he posits that Indigenous peoples have been discriminated and marginalized through a historical, political, and legal system of assimilation. The residential school system is one of many tactics of assimilation, and reconciliation cannot be achieved through the simple recognition of this event.

The second cause of conflict between Indigenous peoples and Canada can rather be traced back to contact and the establishment of the colonial state. Damien Short in his article “Reconciliation and the Problem of Internal Colonialism” (2005, 270) identifies contact between settlers and Indigenous peoples as the beginning of colonialism or the ‘original sin’. In order to reconcile Indigenous peoples and Canada, Short argues that it is imperative to understand the tenants of Canadian colonialism, its ramifications in today’s political institutions (such as the judiciary system, the parliamentary system, as well as the *Indian Act*) as well as the trauma it has

caused to Indigenous peoples across the country. Once it is agreed that the source of the conflict is situated in the origins of the relationship between Europeans and Indigenous peoples, a process of reconciliation can begin (Ibid., 275). This proposition brought forward by Short rightfully identifies the issues facing Indigenous peoples, for instance the systemic marginalization and discrimination created by the *Indian Act*. This system of oppression embedded in Canadian laws and institutions still prevents Indigenous peoples from entering into a process of decolonization. It is thus imperative, as Short argues, to address Canadian colonial structures in order to achieve reconciliation.

This literature review consists of an analysis of two approaches to reconciliation that have emerged from the political sphere and the academic literature: the institutional approach and the radical approach. The former suggests that reconciliation can be achieved within the Canadian institutions and structures. The institutional approach assumes that Canada possesses the necessary democratic tools to enter into an effective process of reconciliation with Indigenous peoples. The radical approach opposes the institutional option, and argues that reconciliation can only be achieved once Canadian colonialism is dismantled. Indeed the radical approach stresses that colonialism cannot be addressed or solved within colonial structures. This section will examine the tenants of the approaches, and provide a critical analysis of the merits and downfalls of both of them. It will finally argue that while radical reconciliation is the only approach that critically examines Canada's colonial nature and envisions a decolonized future for Indigenous peoples, it serves as an ideal rather than a concrete plan for reconciliation. On the other hand, the institutional reconciliation has failed to redress the colonial relationship between Indigenous peoples and the state, but has succeeded in offering practical solutions to the social dysfunctions affecting Indigenous peoples.

1.1. The Institutional Approach

Literature proposing the institutional approach to reconciliation suggests that liberal democracies, such as Canada, possess the tools to reconcile with Indigenous peoples. For instance, the institutional approach promotes the creation of land-claim agreement to resolve tense relationship between provinces and Indigenous peoples regarding development, resource extraction, and land management. These agreements allow the government to maintain control over the territory while circumscribing Indigenous peoples and governments' rights to the lands. Land claim agreements put an end to unresolved disputes for extended periods of time and ensure money transfers to the communities affected by development. This approach offers institutional tools to address the governance, social and economic tensions between Indigenous peoples and the provincial and federal governments. The institutional approach has been the preferred method of reconciliation because it uses the existing political channels already existing. Rather than seeking the transformation of the state, the institutional approach offers realistic and practical solutions to improve the relationship between Indigenous peoples and governments. While it is a valid form of reconciliation, institutional reconciliation remains problematic because it fails to address the pre-colonial sovereignty of Indigenous peoples and their claims to the land. It falsely assumes that a successful and long-lasting reconciliation can occur without questioning Canada's sovereignty and its colonial past. The institutional approach assumes that the economic, political, and social issues, such as conflicts regarding governance, high suicide rates, substance abuse, and unemployment, Indigenous peoples face can be addressed through existing mechanisms. Critical to the institutional interpretation of reconciliation are short-term solutions (such as the creation of agreements, treaties and agreements with a duration of a few decades, and an increase of Indigenous employment) to the long-lasting problem of colonialism.

Although treaties and agreements create obligations and transfers of money between a nation and a government for several years or decades, they do not address Canada or the provinces' legitimacy or sovereignty to control and manage the territory they are claiming. They are 'short-term' solutions as they implement temporary measures that offer no solution to the colonial impacts these agreements and treaties impose on Indigenous peoples.

Damien Short, in his article "Reconciliation and the Problem of Internal Colonialism" argues that settler-colonial states, such as Canada, have dealt with Indigenous peoples claims by treating them as a minority in the large spectrum of 'multiculturalism'. He writes: "Indigenous claims against settler states are more often than not characterised as 'minority' complaints simply needing greater 'recognition' within the dominant liberal state" (Short 2005, 270-1). Short considers how Indigenous peoples across the world have opposed settler-states, and affirmed that they cannot be classified as simply an ethnic 'minority'. Contrary to ethnic minorities coming from immigration, Indigenous peoples have been forcibly included in a colonial state that seeks to obtain Indigenous lands (Ibid., 272).

This distinction between 'ethnic minorities' and 'Indigenous peoples' must be addressed because reconciliation involves the recognition of Indigenous peoples as the first inhabitants of the land the settler-state has claimed. Moreover, As Ronald Niezen argues in his article "Recognizing Indigenism: Canadian Unity and the International Movement of Indigenous Peoples", Indigenous peoples and ethnic minorities present similarities, as they both possess a strong attachment to a territory, a strong desire to be recognized as a "distinct people with rights of self-determination" and to regain control over certain lands (Niezen 2000, 140). However, ethnic minorities across the globe have struggled to obtain their own state while Indigenous peoples generally do not claim statehood. Rather, Indigenous peoples in Canada generally seek

autonomy and local control over their ancestral lands without the interference of the federal government (Ibid., 141). One can thus argue that reconciliation for Indigenous peoples occurs within the existing state, and involves the creation of long-lasting relationships with the state based on mutual respect and cooperation.

Nevertheless, Alan Cairns in his book *Citizens Plus* suggests that ‘citizenship’ and the recognition of Indigenous peoples as a particular type of ‘ethnic minority’ remains the best path toward reconciliation. A “Plus” Citizenship is suggested because it promotes the integration of Indigenous peoples into the Canadian society. In 1967, the Hawthorn Report⁷ “proposed that in addition to equal rights and duties with all citizens, Indians [sic] are entitled to Aboriginal and treaty rights – they are citizens plus” (Green 2001, 715). Alan C. Cairns, political scientist and senior researcher on the report outlined the possibility that a ‘pan-Canadian’ citizenship would foster the integration of Indigenous peoples in Canadian society. In 1969, the Hawthorn Report led Jean Chrétien, then minister of Indian Affairs under the Pierre-Elliott Trudeau Liberal government, to propose to abolish the *Indian Act* through the Statement on Indian Policy (known as the 1969 White Paper). The Statement included the dismantlement of the *Indian Act*, in order completely integrate Indigenous peoples in Canadian society:

The policies proposed recognize the simple reality that the separate legal status of Indians and the policies which have flowed from it have kept the Indian people apart from and behind other Canadians. The Indian people have not been full citizens of the communities and

⁷ The report was titled “A Survey of the Contemporary Indians of Canada: Economic, Political, Educational Needs and Policies” and was edited by H.B. Hawthorn. Alan Cairns was one of the principal authors of Volume I published in 1967. The report addressed the political, economic, and social issues Indigenous peoples faced in Canada. The report came to the conclusion that Indigenous peoples were *citizens minus*, and were the most discriminated and marginalized group. The report concluded that the Indian Act was the cause of these issues, suggested its complete dismantlement.

The report can be accessed via: Aboriginal Affairs and Northern Development Canada, 2012. “A Survey of the Contemporary Indians of Canada: Economic, Political, Educational Needs and Policies. AANDC, last modified January 26th, <https://www.aadnc-aandc.gc.ca/eng/1291832488245/1291832647702>

provinces in which they live and have not enjoyed the equality and benefits that such participation offers (Aboriginal Affairs and Northern Development Canada 2010).

The Trudeau government proposed that the *Indian Act* prevented equality from taking place between Canadians and Indians. However, the government was erroneous in its assumption because simply eliminating the *Indian Act* would not have eliminated the underlying issues of poverty, unemployment, and isolation. The *Indian Act*, despite its numerous flaws, remains a policy that outlines the federal responsibilities towards Indigenous peoples, and forces the federal government to acknowledge their presence. Although the *Indian Act* has been strongly criticized since its creation in 1876, the White Paper would have eliminated all forms of protection for Indigenous peoples. The White Paper outraged Indigenous peoples across the country and was ultimately withdrawn (University of British Columbia 2016). Alan C. Cairns subsequently published the book *Citizens Plus: Aboriginal Peoples and the Canadian State* (2001) in which he revitalizes ideas previously promoted in the White Paper. Cairns' 'citizenship' model once again calls for the integration of Indigenous peoples in Canadian laws (Cairns 2001, 9). In *Citizens Plus*, Cairns argues that Indigenous peoples must be fully included politically and socially in Canadian institutions and society, and should benefit from the same rights and privileges as all other Canadians (Ibid., 102-6). However, in contrast to the White Paper, Cairns suggests that Indigenous peoples should be granted the same rights as all Canadians and more, given their unique status in Canada. Cairns thus proposes the creation of a nation-to-nation relationship *within* the existing nation. According to Cairns, Indigenous peoples must be part of the Canadian state, and integrate Western laws and politics into their worldview in order to ensure a Canadian political and social cohesion (Ibid., 200). Cairns strongly believes that reconciliation will occur once the Canadian government recognizes Indigenous peoples as

Citizens Plus (Ibid., 115). The outcome is a unified country and more peaceful and constructive relationship.

In his book *Recovering Canada: The Resurgence of Indigenous Law*, John Borrows also proposes a model of reconciliation that can be positioned as a progressive form of institutional reconciliation. Highly critical of Canada's colonial past, Borrows rightfully identifies how Canada "[...] is a country that does not have an 'even' experience of justice" (Borrows 2010, 114). The author begins with a critique of Canada's system of justice, affirms that "[...] past wrongs cannot be fully addressed because too much in the present relies upon these prior violations and indiscretions"(Ibid., 115). As a result of these violations, Borrows argues that the current legal system is inapt in putting an end to Indigenous marginalization.

However, despite on-going colonial reality in Canada, Borrows points out that Indigenous peoples have maintained their heritage and worldviews overtime. He argues that Indigenous peoples will continue, as they always have, to operate "with or without the reception of their principles in Canadian courtrooms" (Ibid., 27). Borrows clearly addresses how Indigenous laws, knowledge, and traditions are contemporary, in movement, and adaptable to new realities (Ibid, 35). Since Indigenous peoples possess dynamic legal traditions that continue to thrive, he posits that it would be beneficial to Canada to incorporate Indigenous law and knowledge into the Canadian legal system. For Borrows, the path to reconciliation thus lies in an increase in Indigenous participation in Canadian institutions and legal structures as well as in the integration of Indigenous laws and heritage in the Canadian legal system.

Borrows agrees with Alan Cairns' suggestion that increasing Indigenous participation in Canadian institutions and legal structures is key to reconciliation. Similarly to Cairns, he suggests that Indigenous peoples possess rights that are specific to their status: "Although equal

in importance and significance to other rights, Aboriginal rights are different because they are held only by Aboriginal people in Canadian society” (Borrows 2002, 9) Borrows builds on the previous citizenship models, like the one proposed by Cairns, and suggests increasing Indigenous participation in Canadian society would lead to a reinterpretation of citizenship. This means that Indigenous peoples would integrate Canadian society and obtain fair representation in Canadian institutions, while maintaining their particular status as First Nations, Métis, or Inuit. Indeed, Borrows illustrates how, through proportional Indigenous representation in Canadian institutions, there could be “over fifty Aboriginal legislators, 1,700 tenured Aboriginal professors, 100 Aboriginal judges, and hundreds of Aboriginal union and corporate executives” (Ibid., 151). Evidently, increased Indigenous representation would profoundly impact Canadian institutions politically and legally, as well as our perception of citizenship as Indigenous public servants would bring a new perspective on our laws, and structures (Ibid.). However, Borrows suggests that relying solely on an increase in representation is insufficient; Indigenous laws and knowledge must be incorporated in the Canadian legal system in order to offer a meaningful citizenship model to Indigenous peoples (Ibid., 143). This complete integration would contribute to the creation of a plural legalism; Indigenous laws and knowledge would be recognized, and considered equal in importance to Canadian laws (Ibid.,139). He suggests that the creation of a multiplicity of legal sources would contribute to the dismantlement of the prejudices against Indigenous peoples. The creation of a plural legal system would eliminate the belief that Indigenous systems of belief and governance are backward and non-civilized, and lead to a new, dynamic, and modern vision of Indigenous worldviews. Borrows argues that a successful Canadian citizenship would allow Indigenous peoples to pursue goals and hold values that differ from the state (Ibid., 27).

What Borrows suggests is a citizenship model based on increased Indigenous participation in national institutions contributes to the marginalization of Indigenous peoples. However, this proposal ultimately fails to address how the integration of Indigenous rights to Canadian institutions contributes to reconciliation. Indeed, Borrows argues that the integration of Indigenous laws would put an end to the marginalization and oppression Indigenous peoples have faced, and contribute to the reintegration of strong, dynamic peoples into Canadian society (Ibid., 143).

Borrows' acknowledgement of Canada's colonialism is important because he structures his theory around this incontestable fact. The author recognizes that Indigenous peoples possess complex, dynamic, and valid legal and political structures, and the recognition of these structures is a necessary step towards the integration of Indigenous peoples in Canadian society. His analysis points to the flaws of Cairns' citizens plus model. Cairns assumes that Indigenous peoples' political and legal integration in Canadian society will suffice in ending their marginalization. Borrows is highly critical of this approach, and rather suggests that the Canadian legal system must adapt and modify its structures in order to accommodate Indigenous laws. Cairns' approach to reconciliation is problematic because it assumes that Canada's institutions are immovable, and it is the responsibility of Indigenous peoples to adapt to Canadian structures and laws. Cairns does not view indigenous laws and worldviews as equal to Canadian ones. Borrows counters Cairns' model of citizenship, by recognizing that in order to resolve colonialism, Canada has the responsibility to adapt. Borrows admits that Canadian institutions and legal system have historically struggled to adapt to Indigenous worldviews as they are built on Eurocentric principles. Nevertheless, Borrows proposes a viable solution to the

Canadian legal model, and proposes a multi-legal system that protects Indigenous peoples and their worldviews, as well as contributes to their integration in Canadian institutions.

However, Borrows' propositions fail to address Canada's right to rule over and legislate on behalf of Indigenous peoples. While Borrows acknowledges that many Indigenous peoples do not believe that the citizenship model applies to them, he fails to engage with alternative methods of decolonizing that could occur outside the existing colonial Canadian structures. Borrows assumes that the integration of Indigenous laws to the existing Canadian legal system will resolve colonialism. Yet, the foundations of Canadian laws contribute to the marginalization of Indigenous peoples; to incorporate Indigenous laws and knowledge is insufficient. Borrows focuses his analysis on the political and legal meaning of being 'aboriginal', and fails to consider the impacts of Canadian laws and institutions on the fragmentation of Indigenous identity. As Jeff Corntassel and Taiaiake Alfred suggest in their article "Being Indigenous: Resurgences Against Contemporary Colonialism":

[...] There are many 'aboriginals' [...] who identify themselves solely by their political-legal relationship to the state rather than by any cultural or social ties to their Indigenous community or culture or homeland. This continuing colonial process pulls Indigenous peoples away from cultural practices and community aspects of 'being Indigenous' towards a political-legal construction as 'aboriginal' or 'Native American', both of which are representative of what we refer to as being 'incidentally Indigenous'. (Alfred and Corntassel 2005, 599)

In order to rightfully discuss reconciliation, it is necessary to address the fragmentation of Indigenous identity through Canadian laws. The creation of 'aboriginal' identity serves to legally transform a complex identity into a legal and political status. Reconciliation involves the recognition of Indigenous identity socially, culturally, spiritually, politically, and legally.

Borrows fails to address colonialism from a holistic approach, and perpetuates a fragmented understanding of being ‘Aboriginal’ rather than ‘Indigenous’.

Beyond citizenship and legal structures, the institutional approach to reconciliation further promotes in the importance of creating nation-to-nation agreements and treaties between Canada – or the provinces – and Indigenous peoples. Modern treaties are “ [...] complicated packages. They involve settling issues as varied as land, funding taxation, language, culture, heritage, resources, forestry, mining, oil and gas development, health, education, and social programs, eligibility and enrolment, legal certainty or finality and self-government” (Penikett 2006, 87). Arguments in favour of treaties, namely modern land and agreements include that it is one of the best ways to secure self-governance. Tony Penikett, author of *Reconciliation: First Nations Treaty Making in British Columbia* writes: “The best kind of treaty enables Indigenous Peoples to build strong private and public sectors. Treaties empower Indigenous peoples, but they do not automatically bring prosperity” (2006, 107). Penikett suggests that a successful treaty can contribute to reconciliation between a government and an Indigenous group. He identifies eight elements that are necessary to reconciliation: (1) a clear mandate, (2) the employment of qualified negotiators, (3) the prevalence of treaties over interim measures (which he considers lazy and incapable of contributed to an improvement in State and First Nations relations), (4) accountability from all parties involved in the negotiation process, (5) the importance of including the public, (6) clarity and certainty, (7) a clear objective to create a space for self-governance, and (8) the creation of a treaty commission to facilitate, fund and communicate the mandates of treaties (Ibid., 259-66). In short, Penikett argues that treaties promote a sense of accountability for all parties involved, and its public nature forces the government to maintain

open channels of communication with the general public. Furthermore, treaties are effective in opening a political and legal space in which Indigenous peoples can develop a strong system of governance (Ibid., 258).

What Penikett fails to identify are the ways in which the existing power dynamics are entrenched in modern treaties. Treaties are built upon a settler-colonial model, and serve the interests of the state first and foremost. To clarify, treaties circumscribe and limit Indigenous land claims. Indigenous peoples are “granted rights” that funnel them into the conventional colonial democratic model of citizenship (Short 2005, 276). In order to obtain a treaty in exchange for surrender of their ancestral lands, Indigenous peoples are politically and legally obliged to respect the terms of the treaty. While treaties recognize the ancestral occupation of a nation on a given territory – hence the need to negotiate a land claim settlement – treaties typically require Indigenous peoples to extinguish their rights to the land. Moreover, modern treaties proceed on the underlying assumption that the state has legitimate title to the lands for the benefit of all Canadians. While treaties recognize the presence of a group on a territory and acknowledge the presence of local system of governance and customs, they do not restore pre-contact sovereignty because they seek to protect first and foremost the interests of the state (Ibid., 277). Fundamentally, state interests focus on accumulating wealth through the extraction of resources and exploitation of the land, as well as the assertion of sovereignty.

In sum, the institutional approach attempts to address the systemic marginalization Indigenous peoples in Canada still face today. Authors like Cairns, Borrows, and Penikett suggest that reconciliation can be achieved through existing channels. While Borrows’ approach to Canadian institutions and laws is more critical than Cairns and Penikett, all three authors

believe that Canada possesses the tools (namely through citizenship, Canadian legal structures and agreements) to enter into a process of reconciliation with Indigenous peoples. In brief, all three authors posit that Indigenous peoples must be integrated in Canadian laws and institutions. The institutional approach offers practical solutions to improve Indigenous peoples' position in Canadian society and institutions. The authors mentioned above have succeeded in identifying the flaws of Canadian institutions and ways to integrate Indigenous peoples while maintaining the integrity of the Canadian state. However, the institutional approach fails to address the underlying cause of discrimination and marginalization affecting Indigenous peoples: colonialism. Indeed colonialism cannot be resolved within colonial structures. The radical approach comes as a solution to the issues left unaddressed by the institutional approach and suggests that decolonization must occur in order to reach reconciliation.

1.2. The Radical Approach

In contrast to the institutional approach, the radical approach is a theory of reconciliation that challenges the core of Canadian colonialism and the state's ability to bring about transformative change for Indigenous peoples. The radical approach challenges the legitimacy and sovereignty of the Canadian state, and stresses the importance for Indigenous peoples to dissociate themselves from the state. Rather than offering practical solutions to improve the relationship between the Canadian state and Indigenous peoples, the radical approach proposes a revolution. For this reason, I describe this approach as "radical" simply because it questions the capacity of the Canadian state to enter into a reconciliation process with Indigenous peoples. This approach suggests that reconciliation can only be achieved through the complete dismantlement of colonialism in Canada. The radical approach is tied to the deconstruction of all structures and institutions of colonialism, as well as the creation of a free and distinct space for

Indigenous governance free of Canadian control. It further suggests that Canada, as a sovereign nation, is incapable of solving the issues of colonialism and entering into a process of reconciliation.

Taiaiake Alfred, in his text “Sur le rétablissement du respect entre les peuples Kanien’kehaka et Québécois” (2000, 1), writes that the best way to understand reconciliation is through the principle of the two-row wampum. A wampum belt is a traditional Haudenosaunee (Iroquoian) shell bead belt used as the physical representation of an agreement between two nations. The Haudenosaunee, similar to most Indigenous nations in North America, have had a long history of treaty making. The two-row wampum, an early non-written treaty, represented a way for the Haudenosaunee to integrate Europeans into their network (Bélanger 2014, 81). On early treaties, Yale D. Bélanger writes:

Indigenous leaders saw advantages to cultivating allies among the newcomers. Because they enjoyed economic and military supremacy, Indigenous leaders early on could strongly influence negotiations by deciding where and when negotiations would take place and which issues would be debated. In the spirit of promoting balance and acknowledging all relations, Indigenous peoples viewed treaties as an important means for formalizing relationship that encompassed respect for cultural values, customary practices, and political traditions. (Ibid.)

The two-row wampum is a perfect example of the type of treaty discussed by Bélanger. Upon the arrival of the Europeans in Haudenosaunee territory, a two-row wampum belt was created to represent of the relationship between the Europeans and the Haudenosaunee people (Alfred 2000, 1.). The belt consists of two parallel purple bands that separate the white belt (Turner, 47-8). The two white bands represent Indigenous peoples and non-Indigenous peoples, respectively in a birch bark canoe and a ship. Each vessel travels side by side with the promise of not interfering in each other’s politics, and without attempted to steer each other’s vessel: “One

row symbolizes the Haudenosaunee people with their law and customs, while the other row symbolizes European laws and customs” (Borrows 2010, 76). Meanwhile, the three white bands represent peace, friendship, and respect. Alfred writes that a successful reconciliation must include the principle of the two-row wampum agreement: the recognition that Indigenous peoples and the settler society are equal peoples that can cooperate on the basis of friendship, peace and respect (Ibid.). The two-row wampum is indicative of the radical approach because it advocates for the recognition of the pre-colonial sovereign status of Indigenous peoples in Canada. Alfred points out that reconciliation is rooted in the political, cultural, economic, and social spheres and of the land.

Taiaiake Alfred and Glen S. Coulthard have a “radical” theory of reconciliation characterized as such because it challenges the legitimacy of the Canadian state to rule over the territory and the people inhabiting it. However, the radical approach clearly identifies the root cause of social dysfunction Indigenous peoples face today: colonialism. As a settler-colonial state, the Canadian state is incapable of building a nation-to-nation relationship with Indigenous peoples because it rests on stolen lands and settler-colonial principles. Taiaiake Alfred, in his book *Wasáse: Indigenous Pathways of Action and Freedom* (Alfred 2005, 184) argues that Canada “is, by design, and culture incapable of just and peaceful relations with Indigenous peoples” because it is predicated on dispossession and the import of its own systems. Alfred suggests Canada is a state built on settler-colonialism, and policies such as the *Indian Act*, continue to systemically marginalize Indigenous peoples. The Canadian government has attempted to repair its relationship with Indigenous peoples through a series of apologies and amendments. However, as Alfred points out, the Canadian government is unwilling to address the root cause of the economic, social, and political marginalization of Indigenous peoples in

Canada. He argues that apologies have been insufficient and have failed to achieve change because they are not combined with a plan to dismantle Canadian colonialism (Ibid.). Similarly, in *Red Skin, White Masks* Glen Coulthard suggests that: “a global industry has emerged promoting the issuing of official apologies advocating ‘forgiveness’ and ‘reconciliation’ as an important precondition for resolving the deleterious social impacts of intra-state violence, mass atrocity, and historical injustice” (Coulthard 2014, 106). The Canadian government promotes reconciliation as a way to accommodate and recognize the unique characteristics and identities of Indigenous groups. The recognition of Indigenous peoples is viewed by the state as an important means “of reconciling the colonial relationship between Indigenous peoples and the State” (Ibid). Following an apology, the state expects Indigenous peoples to accept and forgive the state for the harm caused (Ibid., 107). Coulthard argues that the federal government has been unsympathetic to Indigenous individuals or communities who refuse to forgive the state. Their “negative” attitude appears to be counterproductive since they are unable or unwilling to move past “isolated” historical events (Ibid., 109). The victims are blamed for refusing to accept the aggressor’s apology. However, Coulthard posits that Indigenous individuals who refuse to forgive contribute to the creation of an anticolonial resistance and clearer articulation of the impacts of colonialism on Indigenous peoples (Ibid.,112-3).

Indeed, rather than blame Indigenous peoples for being unable to forgive the state, Coulthard explains that sadness and anger, considered “negative” by the Settler-colonial State, are rather necessary to enter into a process of decolonization (Ibid). These negative emotions shape self-affirmation collectively and individually. The author stresses that Indigenous peoples have mostly felt “resentment”, a politicized form of anger characterized by a feeling of having being treated unfairly. Coulthard argues that “negative feelings should not be condemned; they

must be *understood*, their transformative potential *harnessed*, and their structural referent be *identified* and *uprooted* [sic]" (Ibid., 112). Coulthard argues that these negative feelings can lead to positive forms of anticolonial resistance, and also prevent what he describes as "internalized colonialism". This form of colonialism affects colonized individuals who start believing in the superiority of the colonizing power, and as a result, in their own inferiority. Convinced of their inferiority, Indigenous individuals can step away from their cultural identity, and embrace that of the colonizer (Ibid., 113). In order to prevent internalized colonialism, Coulthard posits that Indigenous individuals must cultivate these feelings of anger and resentment. These negative feelings thus serve as a "purging of this inferiority complex" (Ibid., 114). Coulthard contends that it forces Indigenous peoples to accept that violence is inherently a colonial problem, and their violent responses are a challenge to the injustices perpetrated by the State (Ibid., 112-5). However, Coulthard posits Indigenous people who collaborate with the state under an institutional approach to reconciliation as victims of "internalized colonialism" because they have accepted and embraced their marginalized position (Ibid., 114). Coulthard fails to acknowledge that Indigenous people are capable of understanding their colonial subjugation yet wish to contribute to policy improvements *within* the existing political channels. This is a recurring problem in Coulthard's analysis; the author creates a divide between the "good" and the "bad" Indigenous person. According to him, any Indigenous person who wishes to create change within the state is contributing to colonialism, rather than decolonizing.

In order to address colonialism, Taiaiake Alfred proposes that reconciliation ought to be a process of "resurgence-apology-restitution". The first essential feature of reconciliation he identifies is resurgence, which he describes as a shift from expressing one's grievances to entering into an organized political fight (Alfred 2005:2, 22). According to Alfred, resurgence

involves an ‘awakening’. It is crucial for Indigenous peoples to understand the colonial structures currently imposed on them by the federal and provincial governments that have put them in economic, political and social marginalized positions. Alfred argues that Indigenous peoples must be able to identify and distinguish Indigenous forms of governance from imposed institutions – such as band councils and status imposed by the *Indian Act*. In order to challenge Canadian colonialism, Alfred admits that Indigenous peoples must be capable of identifying the political and social colonial forces that affect them. This intellectual and political resurgence will allow Indigenous peoples to effectively embark in a process of decolonization.

The Canadian state also plays an important role in reconciliation. Alfred stresses that an essential feature of reconciliation is the apology. While Coulthard stresses that apologies force Indigenous peoples to forgive the colonial policies of the state, Alfred suggests that apologies are nonetheless necessary insofar as they serve as a concrete first step toward questioning the state, and deconstructing its colonial structures (Ibid., 186-7). Alfred stresses that state apologies address policies put in place by the federal government that had never been publicly acknowledged. As mentioned previously, through the TRC and the public apology of 2009, the government of Canada shed light on a cultural genocide of which most Canadians were unaware. In turn, the apology ignited a national conscientization. In 2015, the provincial government of Manitoba publicly apologized for the ‘sixties scoop’, a policy that forcibly removed close to twenty thousands Indigenous children nationally from their families and put them up for adoption by non-Indigenous families in Canada and the United-States (Sinclair 2007, 66). Public apologies for Canada’s treatment of Indigenous peoples contribute to an awakening of “[...] who [Canadians] are, what they have done and what they have inherited; then they will be unable to function as colonials and begin instead to engage other peoples as respectful human beings”

(Alfred 2005, 184). However, apologies alone do not equal reconciliation. To date, apologies have been used in Canada by the state as a tool to reach reconciliation with Indigenous peoples. This has caused frustration among Indigenous peoples in Canada because apologies are only a part of a complex process leading to the strengthening of Indigenous peoples as sovereign people. Apologies offer an opportunity to begin healing the deep wounds caused by colonialism.

The last feature Taiaiake Alfred believes is essential to reconciliation is the restitution of land. Since land is an essential part of Indigenous identity, the survival of Indigenous peoples is dependent on their ability to manage their own territories and resources (Ibid., 182). This control includes financial compensation for the exploitation of their ancestral lands by the state and/or companies, and the option to extract resources and exploit the territory on their own terms. Alfred also includes the transfers of “federal and provincial funds, and other forms of compensation for past harms and continuing injustices committed against the land and Indigenous peoples” as essential to reconciliation because they ensure Indigenous peoples’ freedom to self-govern (Ibid., 181-2). Leanne Simpson, in her article “Anticolonial Strategies for the Recovery and Maintenance of Indigenous Knowledge” (2004), suggests that the restitution of the lands is essential to the cultural survival of Indigenous peoples. She discusses the notion Traditional Indigenous Knowledge (IK), which she defines as the values and worldviews of Indigenous peoples, is intimately linked to the land, and Indigenous peoples must be capable of living on their ancestral lands, and perform their traditional activities in order to keep IK alive.

Simpson suggests:

[...] [T]he recovery and promotion of Traditional Indigenous Knowledge systems (IK) [are] an important process in decolonizing Indigenous nations and their relationships with settler governments, whether those strategies are applied to political and legal systems,

governance, health and wellness, education, or the environment. Recovering and maintaining Indigenous worldviews, philosophies, and ways of knowing and applying those teachings in a contemporary context represents a web of liberation strategies Indigenous Peoples can employ to disentangle themselves from the oppressive control of colonizing state governance. (Simpson 2004, 373)

The importance of land restitution is thus a critical third pillar of reconciliation. First, restitution acknowledges that Indigenous peoples have been forcibly removed from their lands and hence must reclaim control of their ancestral territory. Taking back control and managing their lands and resources allows Indigenous peoples to obtain greater political and economic autonomy. Second, land restitution contributes to the survival of Indigenous worldviews and cultures. Land serves as a cultural conveyor of culture, and Indigenous peoples can better enter into a process of decolonization if they are rooted in their environment. Damien Short adds to the concept of resurgence-apology-restitution by arguing that treaties could result in a decolonization process if they were respectful of the concept of nation-to-nation. Indeed, Short suggests that settler-colonialism could be solved by creating ‘international treaties’ that would recognize Indigenous peoples sovereignty (Short 2005, 277). For treaties to function, Short argues that they must (1) allow Indigenous peoples to “exercise, without interference, their own stateless, popular sovereignty on the territories they reserve for themselves”, (2) the settlers can continue to exercise their sovereignty on occupied territories, and (3) Indigenous peoples share jurisdiction over “the remaining overlapping territories, treating each other as equal, self-governing, and coexisting entities and setting up negotiating procedures to work out consensual and mutually binding relations of autonomy and interdependence [...] (Ibid., 277-8). Hence, contrary to Alfred’s belief that there are no possibilities of being treated as equal to the state, Short argues that treaties could be used as tools of reconciliation under the radical approach, if the state

relinquishes the idea that “treaty negotiations [must] be held under its overriding jurisdiction” (Ibid.).

In summary, the radical approach to reconciliation revitalizes the pre-colonial relationship between the Euro-Canadian people and Indigenous people, one rooted in mutual co-existence and parallel sovereignties. It requires the Canadian state to acknowledge that upon the European arrival in North America, Indigenous peoples were sovereign people. The only way to achieve radical reconciliation is to restore these nation-to-nation relations. To achieve the decolonization of Canadian institutions, Alfred posits that reconciliation requires (1) resurgence, a process in which Indigenous peoples come to identify the trauma caused by colonialism (2) apology, and the conscientization of Canadians to the ramifications of colonialism, and finally (3) restitution that involves the reclaiming of lands and sovereignty. However, it is important to note that the radical approach has approached this Indigenous revolution from an elitist perspective, and often fails to take into account the needs of Indigenous peoples, both on and off reserve. Coulthard and Alfred have both been highly critical of Indigenous people who wish to collaborate with the government of Canada, considering them to be their own worst enemy. Taiaiake Alfred and Jeff Corntassel suggest that Indigenous people who resurge against colonialism and reconstruct their Indigenous identity become what they qualify as “Indigenous warriors” (Alfred and Corntassel 2005, 612). They argue: “[...] [the] imperative of the warrior is to awaken and enliven the truth and get people to invest belief and energy into that truth. The battle is a spiritual and physical one fought against the political manipulation of the people’s own innate fears and the embedding of complacency, that metastasizing weakness, into their psyches” (Ibid., 603). This “truth” of decolonization creates a divide between Indigenous individuals: those who internally decolonize and proceed to decolonize their communities, called the

“warriors”, and those who become Aboriginals, or constructs of the colonial state, because they replace their Indigenous identity “with doctrines of individualism and predatory capitalism” (Ibid). Indeed, while the radical approach on the collective nature of decolonization and the importance of creating a pan-Indigenous resistance, it institutes categories of “good” and “bad” Indigenous people, based on their critical approach to the state. Furthermore, the radical approach does not list clear processes of decolonization. While Alfred has proposed the theory of “resurgence-apology-restitution”, he does not describe how to implement these three key features, and none of the authors mentioned above have discussed what a successful reconciliation would resemble. In brief, the radical approach stands as an ideal, only attainable by a few, rather than a concrete solution to the social dysfunctions affecting Indigenous people.

Conclusion

The debate and the literature surrounding reconciliation is much more broad and complex than what has been presented here. For instance, the RCAP has proposed a model that falls in between what I have qualified as the “institutional” and the “radical” approach. The Royal Commission has been highly critical of the Canadian state and its historical assimilationist agenda and has recognized the profound impacts of colonialism on Indigenous peoples in all spheres of their lives. While it has offered policy prescriptions in its final report, it has also outlined the importance for Indigenous people to self-govern as autonomously as possible. Moreover, a third form of reconciliation that falls outside the realm of the “institutional” and “radical” approaches is the “organic” approach to reconciliation. This approach would offer members of communities, both part of the Indian Act or not, victims of the residential school system, and Indigenous people in urban communities the final say in all issues affecting their lives. Rather than imposing policies, such as the institutional approach suggests, or offering

reconciliation only to Indigenous “warriors” worthy of decolonization, the “organic” approach would allow Indigenous people to exercise a veto over development on their ancestral lands, use the money transfers for services and infrastructures they deem of priority. This form of reconciliation would combine attributes from both the institutional approach, by using the state as a means of achieving change, as well as radical, by increasing Indigenous power and sovereignty.

Hence, this overview of the literature has only addressed reconciliation from a few key perspectives, and this chapter alone cannot cover the breadth of the debate. Rather, this section identifies two main veins and draws binary comparisons between what can be qualified as “institutional” and “radical”. While radical reconciliation suggests that an Indigenous revolution must take place outside the scope of the state in order to deconstruct colonialism, institutional reconciliation extols a pragmatic approach that seeks to improve Indigenous autonomy within the state. To this day, radical reconciliation has not occurred in Canada and continues to serve as an ideal, rather than as a pragmatic solution to the tense relationship between the state and Indigenous peoples. Institutional reconciliation, although it has rightfully been contested for protecting colonialism, offers realistic solutions to many social, political, and economic issues facing Indigenous reserves and communities across the country and has been thoroughly used. As the next chapter will examine, institutional reconciliation has been used in James Bay as a solution to the historical political and social tensions between the government of Québec and the James Bay Cree.

Chapter two – Case Study: The Story of the Paix des Braves

Nowhere in North America is the cult of the past stronger than in French Canada. Quebec's motto is 'Je me souviens' ('I remember'), and this motto is no empty formula. French Canada has a sense of tradition unique in North America, and the French Canadians live in and on their past to a degree which is difficult for English-speaking North Americans to appreciate. No real understanding of French Canada is possible without the realization of what is history – perhaps the most colourful, for its span of years, or any human record – means to the French Canadian, whose most popular historian⁸ has made familiar the phrase 'Notre maître, le passé' ('Our master, the past') and established it as a principle for action in the present. (Wade 1968, i)

Introduction

Drawing on the analytical distinction between the institutional and radical approaches to reconciliation, it is now important to look at the 2002 agreement between the Québec government and the James Bay Cree named “Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec” (commonly referred to as the Paix des Braves Agreement or the New Relationship Agreement). From a radical reconciliation perspective, the Paix des Braves falls short because it does not restore pre-contact sovereignty. Rather, it is best characterized as an example of institutional reconciliation because it is an agreement based on increasing Cree autonomy, and improving the living conditions and infrastructures in the nine Cree communities. The Paix des Braves does not acknowledge or redress the colonial relationship between the government of Québec and the James Bay Cree but has nevertheless succeeded in improving the relationship between both parties. In order to understand the implications of the Paix des Braves, it is imperative to examine the ties of Québécois identity in the territory. As this chapter will explore, the emergence of Québec identity has woven its way into Cree culture and identity over the centuries. Precisely, this

⁸ The author is referring to historian Lionel Groulx

chapter will analyze the relationship between French Canada, the James Bay Cree and the government of Québec. It will show how French Canadians have used their past as a constant reminder of the on-going English-speaking North American threat and have tied their history in North America to their collective identity. This has resulted in a strong attachment to the Mother Land (France) and later on to the territory Québécois now inhabit. This relationship to the land and to its history has shaped who is and can be defined as a Québécois. Although variations exist, there is a consensus that a Québécois can be defined as an individual of French descent whose first language remains French. This definition fosters a type of nationalism and exclusivity that is profoundly linked to Québec's belief that it has been colonized and ostracized, and therefore that it is not a colonizer to the James Bay Cree.

2.1. From Colonizer to Colonized: the Beginnings of French Canadian Nationalism

There is a consensus in the literature that the Cree nation and their ancestors have inhabited the territory of Eeyou Istchee for about three to five thousand years (Carlson 2008, 35) (Gnarowski 2002, 3). The earliest archaeological evidence of humans on the territory dates back to 1000 BC. These pre-Cree populations were called the post-Pleistocene hunters and settled on the territory with “fire, hunting, and stories, and in the process they shaped themselves” (Carlson 2008, 42). This settlement was made possible once the glacial edge receded completely. Indeed the James bay is part of a geological region called the “Precambrian Shield” (the Shield) that dominates most of Canada physiography and was “glaciated most recently by the Laurentide Ice Sheet, which was composed of glaciers that emanated from centres around, rather than in, Hudson-James Bay (Stewart and Lockhart 2004, 4). The James Bay territory “remained icebound long after the glacier had melted away in other places, and, when the ice finally did melt, the

depressed land under [...] the James and Hudson bays filled with melting waters” and “[...] the recession of the ice cap has forged lakes and rivers and has created a unique hydrological phenomenon and has more running water per unit of surface area than any other place on earth” (Carlson 2008, 35-6). This glaciation has deeply impacted the Hudson Bay marine system. This marine ecosystem is characterized by a “very large volume of fresh water runoff that enters it from the land – each year, James Bay has a net gain of 4.73 m of fresh water over its entire surface” (Stewart and Lockhart 2004, 3). Indeed a considerable amount of plant is necessary to sustain the animal life in the region (Ibid.). The particular ecosystem and hydrologic system in James Bay have contributed to the subsequent interest by the government of Québec in the extraction of resources and development of hydroelectricity.

Over time, the James Bay territory slowly transformed into a boreal forest, and a taiga at its most northernmost point, both with a low animal biomass. A fragile equilibrium must be maintained in order to preserve the wildlife; the Cree people and their ancestors have forged their life and hunting habits around the understanding of their environment (Carlson 2008, 6). The environment has shaped traditional Cree beliefs; their worldview is greatly inspired by the notion of “balance”. This balance must be achieved personally, within the community, as well as with the environment. As Hans Carlson argues: “The Cree and their land were born of each other and are unique [...]” (Ibid., 42). Mother Earth takes and gives, and must be adored and honoured. This quest of balance has thus affected hunting and trapping. The land was traditionally divided in hunting territories. Families or clans were assigned to a territory and return each year during hunting season. This hunting tradition ensures a control over the number of animals killed each season. If a family desired to expand its territory, it was mandatory to ask an *ouchimaw* (resource manager) who would ensure the animals and the land was not overused (Gnarowski 2002, 11).

Although Indigenous peoples have inhabited North America for times immemorial, Europeans have visited the east coast of North America for about a thousand years. It is believed that the Vikings, the Scandinavian people who inhabited today's Norway, Sweden, and Denmark first reached the coasts of Iceland, Greenland, Newfoundland, and New England at some point between the 10th and the 11th century AD (BBC 2016, 1). While the Vikings established colonies in today's England, France, Iceland, and Greenland the Viking sailors never established permanent settlements in North America (Ogilvie *et al.* 2000, 35). In their book titled *Canada-Québec Synthèse Historique 1534-2000*, historians Jacques Lacoursière, Jean Provencher, and Denis Vaugeois suggested that tensions and hostility between the Vikings and the local Indigenous populations, namely the Mik'maq, the Innu and the Inuit, might have prevented the Vikings from permanently settling on the territory (Lacoursière *et al.* 2001, 19).

Rather, the colonization of North America began centuries later, in the 1530s, when the French explored the St. Lawrence Valley under the command of Jacques Cartier⁹. While the Portuguese and the Spanish had explored Central and South America decades before, the French only began their exploration overseas decades later, which can partly be explained by the numerous wars France was involved in back in Europe (Ibid., 24). In 1534, Cartier led his first of three trips to North America. That year, he circled today's Newfoundland, visited previously by the Vikings and the fishermen of Brittany. During the same trip, Cartier circled Prince Edward Island and New Brunswick where he encountered the Mi'kmaq nation as well as Iroquoian fishermen (Ibid.). On this first trip, Cartier planted two crosses, respectively in Saint-Servan, in Newfoundland, and Pointe-Penouille, in today's Gaspé. From this trip, Cartier brought back two

⁹ For a detailed account of Cartier's trips in North America, refer to: Cartier, Jacques, and De Xanctoigne, Jean Alphonse. 1843. *Voyages de découverte au Canada entre les années 1534 et 1542*, ed. Société littéraire et historique de Québec. Québec: William Cowan et Fils.

of Chief Stadaconé's sons back to France as trophies (Ibid., 25). On his second trip in 1535, Cartier and the three vessels accompanying him reached the St. Lawrence Valley and explored the Saguenay River, Stadaconé (today's Québec City), and finally Hochelaga, today's Montreal. Trapped in Hochelaga by the frozen river, a quarter of the crew died during this second trip from scurvy. Cartier captured and brought back to France ten Iroquoian individuals, including Chief Donnacona, as proof of his trip (Ibid., 26-7). Finally, Cartier embarked on a third and final journey in 1541 and was accompanied by five vessels. However, this time around, the population of Stadaconé was unwelcoming of the French visitors. The eagerness of Cartier to establish French settlements in the St. Lawrence Valley combined with the aggressiveness of the crew and the capture of Iroquoian individuals in the previous trips had ruptured the relationship between the Indigenous population and the French crew. As a result, the remaining crew who had survived the winter of 1542 sailed back to France in the spring (Ibid., 28-30). While other French crews under Le Rocque de Roberval visited the St. Lawrence Valley after 1542 Samuel de Champlain successfully established a first permanent settlement in 1605 in Port Royal, and a second one in 1608 in Québec city. After five years of exploring the St. Lawrence Valley and the Saguenay River, Champlain and his crew were able to establish a trading partnership and alliance with the Algonquin and Innu populations present in the region (Canadian Encyclopaedia 2016, 1).

The English also began their exploration of North America and the Arctic sea in the late 16th century. The first record of interaction between The James Bay Cree and the Europeans can be traced back to 1610 as the English were desperately looking for a passage to the Pacific, and stumbled upon the Hudson and James bays (Oblin 2007, 58). The encounter was brief but in the late 1660s, the English developed a real interest in the territory given its important beaver

population (Gnarowski 2002., 9). Europeans used beaver pelts for coats, hats, and other fashion accessories, and the demand was high. While the French had already been trading with the southern Indigenous nations between Quebec and Montreal, the Hudson Bay Company¹⁰ (HBC) obtained its charter in 1670, giving it exclusive ownership and access to a territory that included all the hinterlands of the Hudson Bay (Roussel and Payette 2011, 288). The HBC and the English Crown applied the concept of *terra nullius*¹¹ to all Rupert Land. It was the principle upon which HBC acquired land: “[The colonizers] automatically acquired legally recognized property rights in native lands [while also gaining] governmental, political, and commercial over the inhabitants without the knowledge or the consent of the Indigenous peoples” (Lindberg 2010, 90).

The HBC was interested in trapping the beaver and other animals, and held that all ownership and rights to hunt and trap were transferred to them through the charter. The operation of the fur trade was simple: Indigenous hunters (including the Cree people) would bring beaver pelts and other furs to HBC trading posts in exchange of European goods. These goods included weapons (guns, bullets, and knives predominantly), blankets, kettles and other household items such as flour and sugar, as well as twine, fishhook, and net lines for trapping and fishing activities (Carlos and Lewis 2002, 293). One of the first trading posts was Rupert’s House (which later became the community of Waskaganish), established in 1671 on the eastern coast of James Bay (Ibid., 288). The Cree nation was heavily involved in the fur trade, and soon the

¹⁰ The HBC was founded by Radisson and Des Groseilliers who believed in the great trading potential of the North America continent, north and west of the Great Lakes. The obtained a Royal Charter in 1670 from Prince Rupert, “[granting them] the lands of the Hudson Bay watershed to ‘the governor and Company of Adventurers of England trading in Hudson Bay’”. The HBC established trading posts across the territory and expedited furs from North America to Europe to be transformed in fashion pieces. (HBC. 2016. “Our History,” 1)

¹¹ Terra Nullius has been defined by Ronald Niezen in his article “Recognizing Indigeneism: Canadian Unity and the International Movement of Indigenous peoples” (2000, 16) as “ [...] the uninhabited or unimproved ‘waste land’, commonly expressed by Europeans explorers and settlers in North America and other regions inhabited by aboriginal peoples”. Michael Asch defines *terra nullius* in his article “From *Terra Nullius* to Affirmation: Reconciling Aboriginal Rights with the Canadian Constitution” (2002, 24): “[...] a territory without people, to reiterate, one that was either previously unoccupied or not recognized as belonging to another political entity”.

predominant language of trade became Cree. This led to the creation of a Cree-English dictionary in the late 1600s that was printed and distributed in every trading post on the HBC territory. HBC officials “saw the responsibility for facilitating communications as its own, rather than that of the Native Americans coming down to trade” (Ibid.,304). The HBC gained power and autonomy through its successful trade, and was able to expand its territory over the next one hundred years. It finally expanded to the Northwest Territories in 1821, at which moment the North West Company was annexed to the HBC (Patrimoine HBC 2016).

For the first 150 years following contact, the southern part of Quebec was occupied by French *colons* (colonizers) who slowly established themselves on the shores of the St. Lawrence River. This short historical period of French control in New France has profoundly impacted Quebec collective memory and identity. Considered the Golden Age in Quebec history, New France represented the glorious start of the French presence in North America. It has also been considered as the period of calm and stability before the invasion of Québec City by England in 1759. The French regime was presented in Québec as the birth of a nation “perpetually beleaguered by external enemies” (Greer 1997, 7).

New France reproduced the French division of land called *seigneuries* – a feudal system in which *Seigneurs* rented their land to peasants in exchange for a percentage of their harvest and taxes called *cens* and *rentes* (Greer 1997, 37-8). These seigneuries “looked like oversized versions of the habitant farms they contained [...]. They existed because the French government, like other colonial regimes of the time, sought to structure property relations so as to foster the emergence of a landed élite” (Ibid., 37). However, it should be noted that this small aristocracy did not possess the same wealth or power as the *noblesse* (nobility) in France. Indeed the living

conditions in New France remained difficult, and the colony was often left to fend for itself both politically and financially (Ibid., 13). The elite was interested in obtaining the North American fur and developing commerce between the Europe and New France, but very few French nobles made the trip to the colony. In France, there existed a misunderstanding and disinterest of New France; Voltaire famously stated that North America was after all only “several acres of snow” (Wade 1968, 3).

Although New France was essentially abandoned by the motherland, the colony was however incredibly important to the Roman Catholic Church. In France, the Catholic Church had lost significant amount of political power and control over French society. Indeed Kings Louis XIII and XIV centralized all powers in their hands, and became at once the State, the monarch, and the religion. Louis XIV, self-proclaimed King Sun, famously said: “L’État, c’est moi” (I am the State). Consequently, the Church turned to New France as a territory to spread Christianity and its power (Ibid., 4). The Roman Catholic Church played a crucial role in creating and maintaining colonies in New France. Parishes were established in communities developed enough to sustain the presence of a priest (Greer 1997, 35). The churches became community centres for communities, and allowed peasants to socialize, worship, and gather (Ibid., 36). Communities were also part of ‘fiefs’ or ‘seigneuries’. This system of parishes and seigneuries structured the life of New France until the arrival of the British Empire in the 1750s.

A war erupted between England and France in 1756 and while most of the conflict was situated in Europe, England “urged on by the beleaguered Thirteen Colonies, decided upon an all-out effort to crush French power in Canada (Ibid., 109). In 1758, over 40,000 British soldiers were sent to New France. The following year, the British army conquered Québec City in the historical battle of the Plains of Abraham, during which the French general, Montcalm, and

English general, Wolfe, died. Trois-Rivières and Hochelaga (Montreal) also surrendered to England in 1760, and 1762 respectively (Ibid., 111). The Seven Years war between France and England including the four-year conflict in New France left France depleted. Consequently, on February 10th 1763, New France was ceded to England under the *Treaty of Paris*. Specifically, England obtained through this treaty: “Canada, with all its dependencies, as well as the island of Cape Breton, and all the other islands and coasts in the gulf and river of St. Lawrence, and in general, every thing that depends on the said countries, lands, islands, and coasts, with the sovereignty, property, possession, and all rights acquired by treaty, or otherwise” (Courville 2008, 6). King George III issued the *Royal Proclamation* in 1763 to “establish a basis of government administration in the North American territories formally ceded by France to Britain in the *Treaty of Paris*” (Canadian Encyclopaedia 2016:2, 1). The *Royal Proclamation* recognized Indigenous rights to their land, and reserved hunting grounds west of the thirteen colonies that could not be settled by the Empire (Jackson and Jackson 2009, 33). However, the document was imprecise in circumscribing Indigenous lands, which “belied the harsh treatment Natives would later receive”(Ibid.). Through *Royal Proclamation*, New France was renamed the Province of Québec, and the French civil and criminal laws were abolished. The power of the Roman Catholic Church was greatly diminished, and the French population was expected to assimilate to the “superior” British race within a decade (Bélanger 2000, 1).

Eleven years later in 1774, the “Governor Carleton persuaded the British government to revise its policy toward Québec. The *Québec Act* of 1774 withdrew the provision for an assembly” (Jackson and Jackson 2009, 34). The colony expanded north to the 45th parallel and east to include Labrador, Ile d’Anticosti, as well as the Iles de la Madeleine (Courville 2008, 6). Among other provisions, the Quebec Act authorized the French population to practice their

religion, Catholicism, as well as maintain their language. They further agreed to maintain Civil Law in the colony. Many reasons can explain why the British administration issued the *Québec Act* in 1774. First, it adjusted the treatment of the British Empire on the French population, and created a more harmonious relationship between both parties. Second, this renewed relationship was securing for the British Empire because it ensured that the French population would not rebel against the Empire, as the thirteen colonies had (Jackson and Jackson 2009, 34). The concessions outlined in the *Québec Act* undoubtedly contributed to the survival of French Canadian culture in North America (Wade 1968., 6-7).

The failure of the French regime in North America marked the end of the Golden Age for French Canadians. New France previously enjoyed protection of France and could develop itself without fear of assimilation. As Wade (1968, 47) argues:

When the French Canadian says ‘Je me souviens’, he not only remembers the days of New France but also the fact that he belongs to a conquered people. This fact is deeply embedded in his consciousness, although he may protest that New France was not conquered by the English but rather abandoned by the French; and it is an important factor in his psychological makeup – and in that of the English Canadian. For it stem the persecution and inferiority complexes which underlie much French-Canadian thinking. These attitudes are mirrored in the work of certain French-Canadian historians, who paint the early days of British rule in dark colors contrasting sharply with their brightly tinted pictures of New France.

Despite the *Québec Act*, tensions continued to escalate into the 19th century. In 1830, Upper Canada and Lower Canada resurged against a number of issues facing the British colonies. In Upper Canada, rebels demanded a change in land ownership as the dominance of the merchant class in politics and the economy. In Lower Canada (Québec), the first nationalist party the Parti Patriote (Patriotic Party) led by Louis-Joseph Papineau, demanded better representation in the assembly and the right for French Canadians to govern themselves (Desbiens 2015, 77). In

an effort to consolidate their demands, the Parti Patriote published in 1834 a manifesto containing 92 resolutions asking for constitutional reforms, and the creation of a responsible government (Bibliothèque et Archives Nationales du Québec 2016, 1). The Crown ignored the resolutions and led the Patriotes to radicalize. This impasse escalated into an armed conflict in 1837 and ended in 1838 with the capitulation of the Patriotes (ibid). Several leaders were executed or forced into exile. Most famously, Patriote Chevalier de Lorimier wrote a political testament the night before his execution in which he stated: “Vive la liberté, vive l’indépendance”¹². As Caroline Desbiens in her book *Power from the North: Territory, Identity, and the Culture of Hydroelectricity in Québec* argues, this statement influenced the articulation of nationalism in Québec for the following century: “[...] The Patriotes occupy a central place in the nationalist imagination of Québec. From this perspective, they fought the last battle for the creation of a French nation in North America” (2015, 77).

The conflict between Lower Canada and the British Crown resulted in an investigation by Lord Durham, newly elected Governor-General in Lower Canada, on the causes of the 1837-1838 conflict and the possible solutions. His report suggested the fusion of Lower and Upper Canada in the hopes of assimilating the French Canadians. He believed that “every race but the English (I apply this to all who speak the English language) appears there in a condition of inferiority. It is to elevate them from that inferiority that I desire to give the Canadians our English character” (cited by Desbiens 2015, 79). His use of the term “race” suggests a complete separation between the English Canadians and the French Canadians based on culture, language, and religion. It further implies that both races were incompatible, and thus merged into the superior English population (Ibid., 79). By combining both Lower and Upper Canada, French

¹² “Long live Freedom, long live the independence”

Canadians lost the St. Lawrence valley that allowed them to exist as a distinct people. Since territory and identity are profoundly connected to French survival in Canada, Lord Durham believed that assimilation would occur quickly and efficiently (Ibid.).

Desbiens (Ibid., 80) draws interesting parallels between the threat of assimilation French Canadians faced in the 1830s and the creation of the *Indian Act* in 1876. She argues that Durham created strong dichotomies between the advanced, active, enterprising and progressive English Canadians and the “inert, carless, and backward” French Canadians (Ibid.). This comparison between superior and inferior races was used again to justify the creation of the *Indian Act*. Aboriginal men were strongly encouraged to enfranchise themselves or to “relinquish their Indian status and cultural heritage as a way of improving their condition and acceding to a higher social status” (Ibid., 79). The British Crown strongly believed that non-English populations would advance by relinquishing their culture and identity, and join the strong and superior English race. In order for Indigenous peoples to become immersed in English society, they needed to accept and embrace capitalism and the western vision of land and property (Green and Burton 2013). Those who refused to integrate the Canadian society were perceived as uncivilized. This belief in non-English inferiority was applied to both Indigenous peoples and French Canadians in the 19th century, albeit more strongly to Indigenous peoples. French Canadians reacted negatively to the assimilationist agenda with a strong desire to expand their territory base. In the mid 19th century, Canada East (known as Lower Canada before the Act of Union of 1840) promoted the development and colonization of the *pays d'en haut* (the Upper Country of French Canada). These regions included the Laurentides (Laurentians), Abitibi-Témiscamingue, Lac St-Jean, and eventually, the James Bay territory (Roussel and Payette 2011, 945). The territory along the St. Lawrence River became overpopulated, and the French were

looking for new lands and opportunities. The concept of *pays d'en haut* emerged from the population to describe a blurry vision of the territory north of the St. Lawrence Valley that remained overwhelmingly Indigenous. The *pays d'en haut* was a periphery of French Canada, and a strong desire to establish a new colony in the region emerged (Warwick 1966, 266). The French Canadians developed a strong attachment to this new land and the opportunities it represented (Ibid.). These new French colonizers re-appropriated the concept of *terra nullius* and participated in the construction of the trans-Canadian railway to further contribute to the expansion of French Canadians into the territory. On top of the fur trade, new economic opportunities arose. In the first half of the 19th century, Logging became one of the most important industries and slowly replaced the fur trade industry. It required the diversion of numerous rivers to ensure a consistent flow. This led to the flooding of Anishinaabeg and Cree lands as well as a severe decrease in the number of animals present on the territory. The affected Indigenous communities were thus forced to move further north to new hunting territories (Desjardins 2007, 28:00).

The attachment of French Canadians to the *pays d'en haut* is in part explained by the fact that identity is tied to a sense of territoriality (Desbiens 2015, 117). During the first two centuries of occupation, French Canadians felt a strong attachment to the motherland France, and identified as descendants of the French. Having developed a strong French core in the St. Lawrence valley, the expansion into the north expanded the French Canadian territorial base. Indeed, French Canadians equated the size of their territory with their strength in North America and their increased capacity to survive as a people. This, in part, explains their early interest in the *pays d'en haut* and in the James Bay territory (Ibid., 28).

The first expansion of the Québec borders occurred in 1898. This first expansion included the continuation of the border between Québec and Ontario up to James Bay, north to the Churchill River, and east to Blanc-Sablon in Basse-Côte-Nord (see Appendix 2). A second expansion occurred in 1912 when the eastern sector of the HBC territory was annexed to the province of Quebec under the *Loi de l'extension des frontières* (see Appendix 3) (Dalla Rosa and Di Meo 1981, 154). The debates surrounding this expansion focused strictly on clarifying the nature of these borders to avoid internal and interprovincial confusion and debates on Indian rights were ignored (Frenette 2013, 92). These new additions to the province of Québec were qualified as a “non-organized territory, a term that clearly illustrates its marginal and external position with respect to Southern Québec” (Desbiens 2015, 27). However, this interpretation of the land is problematic because the territory had been highly organized for thousands of years, and complete with complex systems of governance (Ibid.).

It should be noted that despite the British Crown and the federal government subsequent efforts to assimilate French Canadians and Indigenous peoples, the *Indian Act* was, and still is, without a doubt the most comprehensive and systematic tool of assimilation in Canada. The federal government, through the creation of the *Indian Act*, attempted to eradicate the language, culture, and traditions of Indigenous peoples (Blacksmith 2010, 19). The Act put in place a number of measures that sought to assimilate Indigenous peoples into the Canadian society. The first organized attempt to integrate the Cree nation in the Southern Québec narrative began in the early twentieth century. Regarding the administration of the residential and day schools in James Bay, Blacksmith writes (2010, 66-7): “The federal government was responsible for funding and establishing general policy for the school system, while the church organization generally oversaw the day-to-day operations”. The first day school was opened in the community of

Chisasibi in 1910, followed by the Mistissini and Waswanipi day schools in 1914, and finally the Eastmain day school in 1939. Anglican and Catholic Residential Schools were additionally built in Chisasibi in 1922 and 1936 respectively (Gnarowski 2002, 25). The creation of these schools for the Cree contributed to the end of the nomadic and semi-nomadic life. Indeed day schools forced parents to stay within the communities to welcome their children after school each night (Gnarowski 2002, 25). Children were forced to learn and exclusively speak French or English (Truth and Reconciliation Commission 2015, 80). Catholic missions in James Bay were critical and intolerant of Cree spirituality and beliefs. The residential schools and day schools physically removed the Cree students from families and prevented them from participating in traditional hunting and spiritual activities. This contributed to their psychological and spiritual isolation (Niezen 1998, 476). Along with the other First Nations across Canada, the residential schools have created long-lasting intergenerational trauma, and cause socio-economic problems still present in the Cree communities today. Although the residential schools were under the jurisdiction of the federal government and the various Churches, the government of Québec was complicit in the colonizing provisions of the Indian Act by allowing the schools to exist on its territory.

2.2. The Nationalization of Hydroelectricity and the Expansion of Québec

In the late nineteenth and early twentieth century, forty functioning hydroelectric power stations were present in Québec. Two companies controlled the hydroelectric sector: the Montreal Light, Heat & Power and the Shawinigan Water & Power. By the early 20th century, the province of Québec was already charging twice as much as Ontario for its electricity, despite producing its own power locally. This situation led the Québec government in the early 1940s to

question the privatization of hydroelectricity (Goulet 1998, 10). The government of Québec agreed that there was a pressing need to modernize the rural areas of the province, some of them still deprived from consistent sources of electricity and running water. The main electricity companies were led and run by English speaking entrepreneurs who continuously increased their prices, while refusing to expand their network to reach peripheral areas or hire French-speaking workers (Bourassa 1985, 12). Liberal Premier Joseph-Adélarde Godbout argued that the modernization of Quebec would only succeed through the nationalization of the main electricity companies (Goulet 1998, 9). Therefore in 1944, the National Assembly passed an act named Loi 17 creating the Commission hydroélectrique du Québec (Hydro-Québec for short). Its mandate was to “provide energy to municipalities, to industrial or commercial enterprises, and to the citizens of this province at the lowest rates compatible with a healthy financial administration” (Ibid). In order to achieve this nationalization, the province bought the majority stake of the Montreal Light, Heat & Power as well as its main components: the Beauharnois Light, Heat & Power Company, and the Montreal Island Power Company. Nonetheless by 1944 the province remained in competition with several private hydroelectric companies (Ibid., 10). This first phase of nationalization in the 1940s allowed the government of Québec to slowly regain economic control over their resources, and offer a cheap quality product to its citizens. Although the second and final phase of nationalization occurred twenty years later, during the Quiet revolution, this first phase marked Québécois’ desire to own and manage its own rivers and major companies.

In 1944, the population of Québec re-elected Maurice Duplessis for a second mandate as premier under a Union Nationale government. Duplessis shelved the Hydro-Québec project, and believed the idea of nationalizing electricity was the creation of Quebec intellectuals and

communists who destroyed the “*belle société québécoise*” – a strong agrarian society constructed on traditional patriarchal values. During his second mandate, Duplessis promoted a “*retour à la terre*” (comeback to the land), and criticized the exodus of many Québécois towards urban poles such as Québec City and Montréal (Paulin 2002, 169). The Union Nationale ideology stood in complete opposition to Godbout’s project to industrialize the province through the creation of Hydro-Québec and the development of rural areas. The Union Nationale party fostered a sentiment of fear among French Canadians. Duplessis argued that French Canadian culture would only survive if they returned and embraced their traditions. The premier was fearful of the urban population, as he believed they were allies of the English Canadian and American merchant class (Ibid.).

Duplessis remained premier of Québec up until his death on September 7, 1959. His fifteen years at the head of the government of Québec became known as the “*Grande Noirceur*” era (Great Darkness). It was perceived as a time of social, political and economic stagnation. However, the *Grande Noirceur* served as a necessary period that would propel Quebec into the next phase of its history. Indeed the end of the Union Nationale government sparked a political, social, and cultural revolution that would later be known as the *Révolution Tranquille* (Quiet Revolution) (Desbiens 2015, 29). This turning point in Quebec history is important, as it has mythicized the dichotomy between “darkness” versus “light” and “traditionalism” and “modernity”. The creation of a strong economy combined with the industrialization of the province and the modernization of its infrastructures further exacerbated the shift between the Duplessis and the Lesage era. The shift from the *Grande Noirceur* to the *Révolution Tranquille* has profoundly influenced the development of the James Bay territory. Although there exists a consensus that the Duplessis era can be characterized as anti-industrial and traditionalist, the

policies put forward during this period have been amplified in order to offer a real contrast – a before and after or an evil versus good dichotomy – between the Grande Noirceur and the Révolution Tranquille. Indeed, this dichotomy has legitimized the validity of all the policies and changes the following government put in place. In brief, the Grande Noirceur provided a basis upon which Québécois would ultimately justify development projects and encroachment on Indigenous populations in Northern Québec.

In 1960, Jean Lesage leader of the Liberal Party, who had previously served as the federal minister of northern affairs, was elected as premier alongside a new and young cabinet on the promise of modernizing the state and its bureaucracy. The Lesage government used the slogan “Maîtres chez-nous” (Masters of our home) that they believed represented the aspirations of the Québécois. In the 1960s, the political, social, and economic institutions were slowly secularized and the power of Catholic Church declined drastically (Desbiens 2015, 30). The term “Québécois” was used for the first time as a way to describe French Canadians. This new appellation served two purposes: on one hand, Québécois, previously called French Canadians, began to identify themselves based on their province rather than their country. This transition consolidated their attachment to their history on the land. Namely, through this new appellation, Québécois claimed that they felt a connection to the territory of Québec rather than to the country they were part of. On the other hand, the term ‘Québécois’ isolated them from other Canadians (Ibid.). It created a linguistic, territorial, political, and cultural divide between non-Québécois and Québécois than was absent during the ‘French Canadian’ era. In order to preserve its culture, the province needed to gain as much political and economic autonomy as possible. The Quiet Revolution challenged Canadian federalism by showing how a province could govern

its people. The province of Québec claimed that it possessed a unique character that differentiated it from other Canadian provinces (Jackson and Jackson 2009, 79).

During this historical 1960 election, a well-respected journalist René Lévesque was elected as depute and assigned the provincial ministry of Public Works and Hydroelectric Resources. A year later in 1961, Lévesque became Minister of Natural Resources that combined his previous responsibilities as well as the management of mines on the territory (Poliquin 2009, 221). During his first mandate as a liberal minister, Lévesque's priority was to resuscitate Hydro-Québec and complete the nationalization of hydroelectricity. The minister believed that too many English Canadian and American companies controlled the resources (whom he called "colonial barons") and that Québec needed to go through a profound decolonization of the energy sector . In order to achieve this 'decolonization' process, "Lévesque proposed the acquisition and nationalization of the eleven private power companies still under English control and the development of standard rates for every energy user across the province" (Desbiens 2015, 31). Ironically, Lévesque's plan to decolonize the energy sector and give back control of the resources to French Canadians was colonial in nature. Indeed, it involved taking Cree and Inuit lands and claiming that the ownership of the territory belonged to the French Canadians.

Indeed, the Lesage government was looking to expand Hydro-Québec and turned to the "river-rich" northern part of the province. In order to gain full control over the James Bay region and eventually Nunavik, the government created, in 1963, the Direction Générale du Nouveau Québec (DGNQ), a division of the Natural Resources ministry (Ibid., 9). The DGNQ was given the mandate to manage 'Nouveau Québec' (New Québec, the northern part of the province that includes James Bay). It was also given the mandate of ensuring that the

government of Québec had full authority over the development of New Québec. The creation of the DGNQ also reinforced the inclusion of New Québec into the province from a political perspective. The geographic limits of the province expanded to include and bring the Cree under the control of the government of Québec (Rousseau 2001, 268). Indeed, from a socioeconomic perspective, the living conditions in James Bay remained well below the provincial standards. In the early 1960s, most communities still had no access to electricity or running water (Gnarowski 2002, 25). Old HBC trading posts slowly transformed into permanent towns due to the presence of day schools and residential schools, and the Cree lived in new sedentary or semi-sedentary communities that included houses, shacks, and tent frames (Ibid., 24). The DGNQ offered provincial education and healthcare services to Cree and Inuit populations in combination with the services offered by federal Indian Affairs (Morantz 2002, 180).

This idea of James Bay becoming “New Québec” denoted a colonial intention similar to the “New France” of the early 17th century. This appellation implied that the territory, only annexed a few decades earlier under the 1898 and 1912 *Lois de l’extension des frontières*, belonged to Quebec and should thus be managed by the province. James Bay also became symbolic to the province because it became part of the Québécois narrative and part of the sovereignty project. As authors Roussel and Payette suggest in their article “The Other Sovereignities: Québec and the Arctic” (2009, 946): “The ‘rediscovery’ of Northern Québec fulfilled two important elements of the sovereignist project. First, it fixed the territorial limit of that project. Second, it offered a space for future economical development and expansion, on which Québec society could build its economic prosperity”. The combination of territorial expansion and economic development in New Québec allowed the province to position itself as an autonomous entity possessing the will *and* capacity to decide of its future. Possessing a strong

economy and defined territory were great assets in Québec's on-going struggle to survive and thrive in an overwhelming English country.

In 1967, René Lévesque quit the provincial Liberal Party, and launched the following year the Mouvement Souveraineté-Association (MSA) (Poliquin 2009, 222). The MSA mandate was to develop a project of independence for Quebec. To that end, the MSA focused on securing an equal relationship with Ottawa. Later the same year, the MSA merged with the Ralliement National party (RIN) to form the Parti Québécois (PQ) (Ibid.). Lévesque, as leader of the PQ, suggested that Québec autonomy was insufficient to ensure a prosperous future for the province. Hence, he proposed the complete separation of Québec from the rest of Canada in order to achieve full control of Québec's affairs (Desbiens 2015, 26).

While provincial leaders concentrated on increasing Québec's power and autonomy, it came at the expense of the Cree. From the early 17th century up until the early 1970s, the Cree's experience of colonialism differed greatly from most southern Indigenous groups. Indeed, the James Bay Cree still composed the great majority of the population residing in the territory. Non-Indigenous settlements were almost non-existent, and the territory was managed from a distance. Toby Morantz, ethnohistorian and author of the book *The White Man's Gonna Getcha* (2002, 7), suggests that colonialism in James Bay has affected the Cree socially and politically. The Cree were managed via the indirect and distant rule of the Québec and Canadian governments. The creation of the DGNQ and the hydroelectric development of James Bay by Hydro-Québec contributed to the intensification of power from provincial institutions because bureaucratic colonialism seeks to impose "legalistic and punitive forms of regulations" onto Indigenous peoples through legislation, trade, and alliances (Ibid., 8). This bureaucratic colonialism in James Bay culminated with the announcement of the development of James Bay in 1971. On April 30th,

Liberal Premier Robert Bourassa launched his highly publicized hydroelectric *James Bay project* during a high profile ceremony in Montreal. At that time, the Bourassa's government announced its intention to launch Phase I of a three-phase plan along the east coast of James Bay. The completion of all three phases would result in the alteration of 20 rivers, and the construction of 36 dams (Chapelier 2006, 105). The project involved diverting the Eastmain, Opinaca and Caniapiscau rivers to create a reservoir on La Grande River. This would increase the flow of La Grande by 1.9 times. This project was to become the largest hydroelectric complex in North America with a production of up to 28,000 Mega Watts (Niezen 1998, 64). The government presented the James Bay project as a solution to Québec's perceived lack of independence from Ottawa. Through this project, Bourassa and Hydro-Québec promised to significantly increase the wealth and economic well being of all Québécois as well as increase their political autonomy (Bourassa 1985, 2).

The nature of the hydroelectric project, which significantly altered the land, generated concerns among the James Bay Cree. On the day of the announcement, Cree leaders learned on the radio that the great majority of their land was to be transformed by the hydroelectric project. Relating the events of April 30th, Ted Moses stated the following:

Then on April 30, 1971, we were stunned to hear a radio announcement that the Province of Québec was planning to build three hydroelectric complexes on our lands in James Bay. We were not given any advanced warning of the proposal. Sure, we had picked up the possibility that something was coming, as we had seen the exploration crews for a few years. But Premier Robert Bourassa's public announcement of the project of the century was made as though we did not exist, had never existed. (Gnarowski 2002, 26)

Indeed the liberal government had not consulted local Cree population before launching the project. Given their geographic isolation, the majority of Cree communities received the newspaper of April 30 the following day, the first of May, which is when they first heard of the project (Ibid.). While most of Western Canada, Ontario and the territories had been settled under numbered treaties in the late 19th century and early 20th, the province of Québec had no history of treaty making (Bélanger 2014, 87-8). As a result, Cree and Inuit rights over James Bay had never been extinguished. The Cree thus argued that Québec had no legal right to claim the territory without prior consultation with local Indigenous populations. However, the Québec government countered by pointing to the legal addition of the James Bay territory to the province of Québec in the 1898 and 1912 *Lois de l'extension des frontières*. The Bourassa government did not believe it was necessary to consult with a relatively small population over the exploitation of a large territory that could benefit a considerable number of southern Québécois (Gnarowski 2002, 26). Moreover, in his 1968 election, Bourassa had promised the creation of 125,000 jobs; fulfilling this promise would guarantee the success and longevity of his government (Desbiens 2015, 22).

Nonetheless between 1971 and 1972, Cree leaders gathered in Mistissini to “discuss a Cree response to the Hydro-Québec Project” (Niezen 1998, 48). The leaders organized this response in the hopes of protecting their ancestral lands as well as trap lines and hunting grounds. The Cree strongly believed that the creation of dams and reservoirs would irreparably destroy their ancestral lands and threaten their traditional way of life (GCC 2016:2, 1). Yet, the Bourassa government dismissed the Cree’s concerns and embarked on the construction of the complex. This situation forced the Cree and Inuit leaders to file for an injunction in the Supreme Court of Québec in 1972 and declare the James Bay Development Society and all development

in James Bay unconstitutional (Niezen 1998, 68). Judge Albert Malouf was appointed to the case and conducted hearing over the next few months. A total of 167 witnesses were interrogated over a period of 78 days and more than 100,000 pages of transcribed evidence was presented to the court (Richardson 1991, 20). The Cree nation testified that they had never extinguished their rights to the land. Ultimately, the Malouf case granted the Cree nation a temporary injunction by declaring the current project had not properly evaluated the environmental and social damages it would cause (Ibid., 69-70). In his ruling, Malouf wrote: “[...] Cree and Inuit rights were being infringed and their cultures were potentially threatened” (Rynard 2000, 216). The Quebec government appealed the Malouf decision and continued the project a week later.

During the second round of hearings, Hydro-Quebec and its experts argued that Cree people were no longer using the land as a means of subsistence, and had entered modernity (Richardson 1991, 311-2). They discredited Cree claims by arguing that the James Bay Cree were now using skidoos, telephones, and were purchasing food in grocery stores (Ibid., 312). The Appeal Court stated that the James Bay project was “the essential instrument for the transformation and survival of Cree culture” (Ibid., 310). In brief, the Cree nation needed this project to enter into modernity and join the advanced Quebec society. In his book *Strangers Devour the Land*, Boyce Richardson argues that the province used the court system as a way to discredit Cree witnesses, mostly hunters and elders. Hydro-Quebec’s attorneys benefitted from their knowledge of western judicial procedures and used it to their advantage (Ibid., 18). Throughout his book, Richardson presents real exchanges that occurred between Cree witnesses and attorneys. On multiple occasions, comments made by Cree witnesses were discredited for not answering the question in a “court appropriate” manner. For instance, Job Bearskin, a fifty-nine year old Cree man who lived off the land up until the James Bay project, was often asked to

rephrase his answers. As Richardson argues: “[Job Bearskin] had a profound but simple perception of the meaning of life which ill-prepared him for his ordeal in court. As he groped to understand the confusing questions put to him, the corporation lawyers constantly interrupted with a barrage of objections [...]” (Ibid., 118). Throughout the entire court process, Cree witnesses always refused to quantify the land, and insisted that the territory was an integral part of the survival of their identity because they were simply and uncontestably part of it (Ibid., 119). During this second phase of hearings, the main concerns put forward by the Cree concerned the social damages the dams would cause. Bearskin stated on multiple occasions that he did not speak the language of money but the loss of land would cause incalculable damage. He feared his children would be stripped of their identity if they were unable to live on their land (Ibid., 121).

In 1974, the James Bay Cree leaders came to the conclusion that they could not stop the Hydro-Québec’s mega-project. The Indian Québec Association (IQA), a federally funded organization representing the interest of Indigenous groups in Canada including the James Bay Cree, had been mandated earlier in 1974 to forward a petition asking Jean Chrétien, then federal minister of Indian Affairs, to halt Hydro-Québec damming projects (Desbiens 2015, 43-4). However, the petition never reached Chrétien’s office. The Cree were dissatisfied by the lack of support they had received from the IQA, and disassociated themselves from the organization. As a result of this conflict, the James Bay Cree created their own regional-based group, the Grand Council of the Crees (GCC) (Ibid., 44). The GCC first order of business was to negotiate with the Quebec government (Richardson 1991, 318). This negotiation culminated in the 1975 James Bay and Northern Quebec Agreement (JBNQA). The JBNQA included a \$225 million settlement as well as diverse measures of administrative autonomy. The JBNQA became the first “modern”

treaty, which can be defined a “comprehensive treaty negotiated with people not previously covered by historic or existing treaty” (Slowey 2009, 206). The JBNQA differs from previous historical numbered treaties in its complexity and modernity. It involves “settling issues as varied as land, funding, taxation, language, culture, heritage, resources, forestry, mining, oil and gas development, health, education and social programs, eligibility and enrolment, legal certainty or finality and self-government” (Penikett 2006, 87). John Ciaccia, Bourassa’s special representative and negotiator for the JBNQA, stated: “[The JBNQA] was to be a comprehensive settlement that would establish, once and for all, Québec’s authority to dispose of the territory in accordance with the dictates of public interest and of Québec’s national policy. I submit that with this agreement, we are achieving these objectives” (The James Bay and Northern Québec Agreement 1975, 22).

The JBNQA outlined three land categories that would delineate provincial and Cree rights to the territory¹³. Category I lands were assigned exclusivity to the Cree, although Québec maintained ownership of the subsurface (mineral, oil, and gas). This first category granted exclusive Cree fishing and harvesting rights, and only accounts for 1.5% of all James Bay lands (Rynard 2000, 222). Category II lands represented 18% of James Bay, and are co-managed by the Québec government and the James Bay Cree. Crees have exclusive rights to hunt fish, and trap and the province maintains its exclusive rights over the forests and subsurface. Finally Category III lands are Québec’s public lands. While the Crees maintain rights over trapping fishing, and hunting, Category III lands are owned by the province and available to all Québécois (Ibid).

¹³ These land categories have remained in the Paix des Braves agreement

In addition to re-defining of Cree rights to their lands, the JBNQA extinguished all Cree title to the territory. The agreement mentioned the following:

In consideration of the rights and benefits herein set forth in favour of the James Bay Cree and the Inuit of Québec, the James Bay Crees and the Inuit of Québec hereby cede, release, surrender and convey all their Native claims, rights, titles and interests, whatever they may be, in and to the land in the territory in Québec, and Québec and Canada accept such surrender [...] (Ibid., 217¹⁴).

In brief, The JBNQA established a new chapter in the relationship between the James Bay Cree and the government of Québec because it regulated the management of the James Bay territory and established clear boundaries both parties had agreed upon. The signature of the JBNQA was quickly followed by the 1976 provincial election, during which the PQ formed its first government. During the 1976 election, René Lévesque promised to hold a referendum on Québec independence by the end of his first mandate (Whitaker 1999, 77). Hence, in 1980, PQ premier René Lévesque held the first provincial referendum on sovereignty-association. The government wanted a mandate to negotiate a nation-to-nation relationship with the government of Canada. The proposed sovereignty-association model involved the separation of Québec from Canada while maintaining a common currency and political partnership: “Association was then understood (these were pre-free trade days) in terms of an elaborate set of joint institutions that would serve to replace the institutions of federalism in regulating economic matters of common interest” (Ibid.). Although 60% of Québécois rejected the independence proposal in May of 1980, the PQ was re-elected in the following election (Jackson and Jackson 2009, 427). Indigenous voices were absent from the debates surrounding this first referendum. However,

¹⁴ The JBNQA addressed land claims affecting both Cree and Inuit communities. Given the Cree focus of this study, the impacts of the JBNQA and hydroelectric development on the Nunavik Inuit have been dismissed.

Cree concerns regarding Québec's legitimacy to secede unilaterally intensified over the course of the 1980s.

The issue of separatism intensified the on-going debate on the future of Canadian federalism. Then Prime Minister Pierre-Elliott Trudeau reopened the debates surrounding the Canadian constitution following the 1980 referendum. Although the British North America Act and the Treaty of Westminster had allowed Canadians to obtain greater autonomy, the process of amending the constitution remained under the veto of London (Jackson and Jackson 2009, 53). In the early 1980s, the Trudeau government sought to include a Charter of Rights and Freedoms to the existing Canadian constitution and repatriate it so Canada would not depend on British consent for constitutional modifications. The Supreme Court ruled that the federal government could repatriate the constitution unilaterally, although it was encouraged to negotiate with all ten provinces. On November 4, 1981, all ten provincial leaders met to discuss the constitutional proposals that would be sent to London. Late in the night, Premier Lévesque left the meeting to get some rest across the river, in Hull, Québec while the rest remained at Château Laurier in Ottawa. During his absence, the other premiers along with Trudeau came to an agreement and ultimately signed an Accord without Lévesque's consent (Radio-Canada 2016:2, 1). The Québec premier appealed the Supreme Court to invalidate the Accord given because Québec has a constitutional veto. The court dismissed that Québec had ever possessed a veto right. In the end, the constitution was repatriated without Québec signature (Dutrisac 2006, 1).

Two attempts were subsequently proposed to include Québec in the constitution, respectively the Meech Lake Accord and the Charlottetown Accord. First, in 1982, Prime Minister Brian Mulroney initiated the Meech Lake Accord in an effort to bring Québec back into the constitutional family. Mulroney believed that Québec would sign the Accord if there was a

strengthening of provincial powers and an explicit recognition of Québec as a distinct society. In order for the Accord to be ratified however, all provinces had to sign the agreement. Ultimately in 1987, the Accord failed. One of the reasons explaining the failure is because of one Aboriginal Manitoban MP, Elijah Harper, who decided to withhold his vote. Harper argued: “Well I was opposed to the Meech Lake Accord because we [Indigenous peoples] weren't included in the Constitution. We were to recognize Quebec as a distinct society, whereas we as Aboriginal people were completely left out” (Canadian Broadcasting Corporation 2015, 1). Harper raised the point of including Indigenous peoples in negotiations surrounding any changes to the constitution. Moreover, the government of Newfoundland and Labrador and its vocal opponent, then premier Clyde Wells, opposed the Meech Lake Accord. They argued that the Accord would give more power to Québec than other provinces, and reduce the support offered to poorer provinces, such as Newfoundland and Labrador (Higgins 2012, 1). As a result, the province refused to ratify the Accord before the deadline of June 23rd, 1990. The Meech Lake Accord failed to be implemented (Ibid.).

In 1988, the Quebec government presented its intention to develop the second phase of the James Bay Project. This time it would create a dam on the Rivière Grande-Baleine that would necessitate the flooding of Cree and Inuit treaty land, as negotiated in the JBNQA. Knowing that the realization of the project was dependent on Quebec obtaining contracts to export their over-production of electricity to the United-States, several Cree leaders embarked on a journey to New York aboard canoes (Canadian Broadcasting Company 2016, 1). Their goal was to draw attention to their concerns and convince New York to cancel its contract with Hydro-Québec. With the help of key leaders such as Matthew Coon-Come, now Grand Chief of the Cree, the Cree communities were able to convince the State of New York to cancel its

contracts with Hydro-Québec (Whitaker 1999, 90). The Cree gained such momentum that the *New York Times* dedicated its front page to the environmental damages the James Bay project was creating. The paper used a photograph of the 10,000 caribou that drowned on their migratory path following the flooding of Cree territory. In a famous speech given in New York City, Coon-Come claimed: “We are all Cree” (Gedicks 1993, 24). He effectively appealed to non-Indigenous Canadians and Americans to convince them that the ecological damages this second phase would cause would affect everyone, including non-Indigenous populations. The Cree lobbied against Phase II for a total of six years, up until 1994, and their activism forced PQ Premier Jacques Parizeau to put the second phase of the James Bay Project on hold indefinitely (Morantz 2002, 255). Parizeau claimed that Coon Come had injured the province by halting the new project. The Cree showed solidarity and cohesion in the 1980s and transformed the perception most Québécois held toward them, which up until the 1960s, was perceived as an isolated and fragmented people given their nomadic hunting practices. Their lobbying against the government of Québec and Hydro-Québec proved that the Cree were willing to assert their rights over their lands (Ibid., 255-6).

A second attempt to solve the constitutional problem took place in 1992 with the Charlottetown Accord. The Accord was offered as a solution to the lack of national unity, and another attempt to reconcile Québec and the rest of Canada (Canadian Broadcasting Corporation 2016: 2, 1). Similarly to the reconciliation attempt between the James Bay Cree and the government of Québec in 1975 under the JBNQA, the Charlottetown Accord attempted to clarify and regulate the management of the provinces. It sought to establish clear boundaries between provincial and federal jurisdiction, as well as renew the complex relationship between Québec and Ottawa. In 1992, Mulroney suggested the creation of a series of five national conferences

that would address different key features of the constitution. This time around, the Assembly of First Nations (AFN) as well as the Native Council of Canada (now Congress of Aboriginal Peoples) joined the provinces and the territories at the negotiation table. A national referendum was held and 54,4% of Canadians opposed the project. Canadians could not reach a consensus on the proposed constitutional reform (Jackson and Jackson 2009, 175). Québec citizens overwhelmingly voted against the constitutional reform proposal; Québécois remained suspicious of the Accord's capacity to truly decentralize powers (Canadian Broadcasting Corporation 2016: 2, 1). Furthermore, Canadians as well as Québécois held negative feelings toward Mulroney as a leader and his support of the Canada-United States Free Trade Agreement (FTA), and expressed their anger by voting against the project. This clear "no" vote showed that Canadians were no longer interested in discussing the constitution. Following this defeat, Lucien Bouchard, then federal minister of the environment, quit the Progressive Conservative Party to found the Bloc Québécois (BQ), the first separatist political party at the federal level. Convinced of Québec's imminent independence, Bouchard believed that the province had to maintain a presence in Ottawa until such project was accomplished. The BQ remains a federal party in the parliament and is only elected by citizens of Québec. The party promotes the recognition of Québec and its interests at the federal level¹⁵ (Bloc Québécois 2016, 1).

The failure of the Charlottetown Accord further fuelled the separatist movement. In 1995, Québec underwent its second attempt at independence under the leadership of PQ premier Jacques Parizeau. If Québécois voted "yes" in this referendum, the Parizeau government proposed the creation of a sovereignty-association agreement that would outline Québec's rights as a sovereign nation as well as its economic and political partnership with the Canadian

¹⁵ There are, on July 1st 2016, ten BQ MPs in Ottawa

government. By putting emphasis on the word “association”, Parizeau hoped he could rally Québécois under the independence project (Jackson and Jackson 2009, 234). The 1995 Québec referendum question thus became: “Do you agree that Québec should become sovereign after having made a formal offer to Canada for a new economic and political partnership within the scope of the Bill respecting the future of Québec and the agreement signed on June 12, 1995?” The referendum vote had a turnout rate 92 percent, and while 60% of French-speaking Québécois voted “yes”, the proposal was defeated at 50.6 percent (Élections Québec 1995, 1).

It is in this post-referendum context that, seven years later, in 2002, the Québec government under PQ premier Bernard Landry sat down with the leaders of the GCC to discuss the possibility of a new agreement that would resolve lingering, underlying tensions left by the unfulfilled JBNQA. No clear processes on how to implement the recommendations of the JBNQA had been put in place and as a result, many promises were left outstanding (Desbiens 2015, 51). The JBNQA lacked flexibility, and the Québec government’s capacity to implement it remained limited. As a result, the government of Québec returned to the bargaining table and in 2002, signed the “Agreement Concerning a New Relationship between the Gouvernement du Québec and the Crees of Québec” with the Crees of Québec, also known as the New Relationship Agreement, or “Paix des Braves”. The Paix des Braves served two main purposes: (1) “put an end to a number of ongoing court cases launched in reaction of abusive forestry activities by private companies on the territory of Eeyou Istchee” (Desbiens 2015, 51) and (2) to ensure better Cree “control over their communities and economies, and the promise of more Hydro-Québec jobs” (Slowey 2009, 212). The Paix des Braves agreement received 70% of support from the Cree, and put in place an annual payment of \$70 million annually over a period

of 50 years (Ibid.). This amount is indexed based on resource extraction revenues, and as a result of this policy, the Cree received \$88 million in 2012 (Namagoose 2012, 5). The agreement highlighted the province's responsibilities to evaluate the environmental impacts of the development of the James Bay territory, as well as provided the province a mandate to consult with the Cree before the construction of any hydroelectric infrastructures. In brief, the government of Québec recognized the Cree as partners in development (Oblin 2007, 64). In exchange, the province received permission to further develop the La Grande complex (Slowey 2009, 212). A small but vocal minority expressed its discontent with the agreement. The GCC leadership had negotiated the Paix des Braves in private with the government of Québec, and the Cree nation was not consulted prior to the drafting of the Agreement in Principle (AIP). However, in 2002, the AIP was presented to the Cree and a referendum was held in each community (Atkinson and Mulrennan 2009, 473). The referendum only obtained a 56% turnout rate, and while 38% of the Cree population voted in favour and 17% voted against the project, clearly a large portion of the population (44%) did not vote on the AIP (Ibid.). Nemaska, the smallest community in James Bay with a total population of 700 people, was most opposed to the Paix des Braves. They argued that the lack of community support obtained by the GCC prior to the agreement should have raised a flag that a final agreement could not be signed (Ibid., 473-4). The Nemaska community believed that 38% of vocal support was an insufficient number to justify signing such an important agreement.

Nevertheless, despite some opposition, the Paix des Braves was viewed in the rest of Canada as an effective remedy to the outstanding issues of the JBNQA as well as a first step toward reconciliation between the Québec government and the James Bay Cree. The agreement laid out terms and an implementation strategy to achieve political and economic autonomy in the

nine communities of Eeyou Istchee. The Paix des Braves highlighted the recognition of the James Bay Cree nationhood and promoted the deal as indicative of an equal partnership with the province of Québec (Radio-Canada 2002, 1).

Conclusion

The history of Québec is intimately linked to the concept territory. The importance of geography has created tension with Indigenous peoples since contact. French Canadians themselves have battled to resist assimilation and associated their control over the territory to their capacity to survive. They have developed a strong nationalism based on French ancestry and attachment to the motherland (France) and their *terre d'accueil* (new land). Born of immigration and colonization, French Canadians have developed a strong desire to solidify their control over the territory of Québec.

As a result, Indigenous peoples have historically represented a hurdle in French Canadians' capacity to assert their autonomy in North America because they contest the government of Québec's authority over the land. The hydroelectric project that began in the 1940s and culminated in the 1970s allowed Québécois to expand their territorial reach as well as send a strong message to Canada that they possessed and controlled the entirety of the province. They thus required the James Bay Cree to integrate into the province rather than seek a "real" nation-to-nation relationship based on mutual respect and recognition of Cree sovereignty. Despite the propaganda to the contrary, the James Bay Cree have yet to be recognized as a sovereign people in their own land by either the people of Québec or the government of Québec.

Chapter three – Radical Reconciliation in James Bay: The Perpetuation of a Colonial Relationship

Introduction

It is first important to acknowledge that the Paix des Braves has brought positive changes to the nine Cree communities in James Bay. It has addressed the promises that had failed to be thoroughly implemented under the umbrella of the JBNQA. Furthermore, the provision for multi-million dollar payments to the GCC and the nine communities for a period of fifty years have considerably improved the infrastructures in all nine communities, including the schools, medical facilities and housing conditions (Gnarowski 2002,75). Because of the Paix des Braves, the government of Québec must now consult and obtain consent from the GCC in order to proceed with any development project in Eeyou Istchee. Most importantly, the government of Québec must transfer its powers, outlined in Section 28 of the JBNQA, to the GCC for the fifty-year period (Ibid.) (Paix des Braves 2002, 66). As a result, the powers vested in Hydro-Québec, the SDBJ and its bureau, the James Bay Native Development Corporation (published by GCC 2015, 313), were repealed and replaced by the Société de développement crie (SDC) whose mission is to ensure the economic and community development of the James Bay Cree nation (Paix des Braves 2002, 66). This new institution has resulted in a considerable increase in Cree autonomy over its own affairs and people. The Paix des Braves has increased Cree political, social, and economic bargaining power provincially and nationally. As Ted Moses, Grand Chief of the Cree, put it:

There is a cost to the Crees. You can't want revenue from development and then not have any development. I have been fighting for jobs for our people, decent housing, and quality health services. The Agreement passes Québec's responsibilities to the Crees and cuts the Cree government into the revenue stream created by the

development already on the territory, and that will be built in the future. In the past, these revenues have helped Quebec to grow; they will now begin to help us develop. The Crees assume management and control – for the first time we have some significant Cree control. (cited in Gnarowski 2002, 73)

As Ted Moses explains, the Paix des Braves has increased a level of control that the James Bay Cree possess. As a result, the Cree are now able to develop their communities in a way that is consistent with their worldview. It should be noted that the process leading to the signature of the Paix des Braves took place in private, and as a result, Hydro-Québec, the SDBJ as well as the federal government were uninformed of the negotiations taking place. The Crees sought to improve their living conditions, and specifically increase employment, improve housing, and put an end to the clear-cutting deforestation that had been taking place since the 1970s that was endangering their capacity to trap and hunt (Ibid., 69). In order to reduce potential discord between the James Bay Cree and the government of Québec, the Paix des Braves was negotiated in private between the government and the Cree leadership (Ibid., 70). Keeping the population in the dark regarding the Paix des Braves was the price to pay to ensure the efficiency and the swiftness of the negotiation process.

Given the positive impacts the Paix des Braves have had on the Cree nation of James Bay, it is possible to argue that from an institutional perspective the 2002 agreement has resulted in reconciliation. The Paix des Braves was touted as an effective response to the Cree concerns about development and outstanding promises and hence an effective tool of reconciliation. The agreement succeeded in implementing political and economic autonomy in the nine communities of Eeyou Istchee. However, the Paix des Braves was promoted as the basis for an equal partnership between the Cree and the province of Québec (Paix des Braves 2002, 1). This

promise was not fulfilled because the Cree remain in a position of subjugation to the government of Québec. Hence, from a radical perspective, the Paix des Braves remains a colonial agreement because it has not created true equal, or nation-to-nation partnership, between the government of Québec and the James Bay Cree. This chapter will analyze the ways in which colonialism has not been resolved in the Paix des Braves. Toby Morantz in her book *The White Man's Gonna Getcha* suggests that these three types of colonialism have affected the James Bay Cree: civilizing colonialism, state colonialism, and settler colonialism (Morantz 2002, 7-9). This chapter will argue that the Paix des Braves has not eliminated these three forms of colonialism. Civilizing, state, and settler colonialism still prevail in James Bay and prevent the concretisation of radical reconciliation. In his PhD dissertation titled "The Intergenerational Legacy of the Indian Residential School System on the Cree Communities of Mistissini, Oujebougamau and Waswanapi: An Investigative Research on the Experiences of Three Generations of the James Bay Cree of Northern Québec", George Blacksmith, a Cree man from Mistissini, addresses the effects of the on-going colonialism the Cree nation of James Bay continues to face:

[...] Cree voices are increasingly being ignored in the official discourses of the impact of colonialism and the benefits Canada has received (and continues to receive) as a result of colonialist policies. For example, modern-day colonialism continues to play out in ways that attempt to ignore the voices of the Cree people in disputes with the Québec and Canadian governments around exploitation of Cree resources and territories [...]. Although the political and economic dimensions of these nation disputes play out in the media, we often lose sight of the ways these policies impact the Cree both individually and collectively, and the ways in which they forever change vital aspects of Cree culture. (Ibid., 2011, 23)

As Blacksmith suggests, the provincial and federal governments have not acknowledged the impacts of colonialism on the James Bay Cree. Without the recognition of the colonial trauma, nation-to-nation relationships cannot occur.

3.1. Civilizing Colonialism and Intergenerational Trauma in James Bay

Morantz argues that civilizing – or religious – colonialism involves the presence of religious missions on the territory whose goal is to convert Indigenous peoples to Christianity (Ibid., 7). The project of “civilizing” Indigenous groups through Christianity has deeply influenced the James Bay Cree. As Hans M. Carlson writes in his book *Home Is the Hunter: The James Bay Cree and Their Land*: “For the Cree residential schools are a twentieth-century event, an aspect of their history; but Christianity was a part of their history long before this, and it is a part of their present as well. Both these facts must be borne in mind” (Carlson 2008, 99). Indeed Christianity has become part of Cree culture and heritage, and civilizing missions dating back to the 19th century have been highly successful in Cree communities. Nevertheless, the ‘civilizing colonialism’ addressed in this section focuses on the intergenerational trauma caused by residential schools that still affects Cree people today. The JBNQA and the Paix des Braves have not acknowledged or remedied the damages caused by civilizing colonialism on the James Bay Cree and its effects are still palpable today. “Civilizing” colonialism is often absent from the modern colonial discourse, and relegated to the past. Similarly to the Harper government and its suggestion that the residential school system is an event of the past, the literature concerning the effects of colonialism on James Bay and the Cree nation has often ignored the intergenerational trauma of religion and its contemporary nature.

In 2008, a public inquiry was set up by the Indian Residential Schools Settlement Agreement to investigate on the residential school system and its impacts on Indigenous peoples. The commission was mandated to “reveal to Canadians the complex truth about the history and ongoing legacy of the church-run residential schools”, “[honour] the resilience and courage of

former students, their families, and their communities [...]” as well as “guide and inspire a process of truth and healing, leading toward reconciliation within Aboriginal families, and between Aboriginal peoples and non-Aboriginal communities, churches, government, and Canadian generally. [...]” (TRC 2015, 23). Following the public hearing and testimonies of survivors, the TRC put in place a series of calls to action including a need to improve the relations between the federal and provincial governments and Indigenous peoples in Canada¹⁶. These calls to action include an official acknowledgement by the federal and provincial governments for the harms caused by the residential school and the on-going trauma experienced in communities. While the Harper government publicly apologized on behalf of the Canadian government for the residential schools in 2008, the provincial government of Québec has yet to publicly apologize. The intergenerational trauma has resulted in a social, political, and economic disparity in Indigenous communities, and it must be addressed in order to redress the relationship between the state and Indigenous peoples (TRC 2015, 319-337). The Paix des Braves has put in place a number of institutions to improve the services offered in the nine Cree communities such as the Cree School Board and the Cree Board of Health and Social Services of James Bay¹⁷. These new structures that work alongside the principles of institutional reconciliation, have successfully transferred social services from the hands of the provincial government to the James Bay Cree. Nevertheless, there has been no formal apology or acknowledgement of Québec’s colonial practices in Eeyou Istchee. Indeed, the Paix des Braves has created structures that serve to create a path for the future while ignoring its history with the Cree nation and the causes of many social dysfunctions affecting Cree communities.

¹⁶ For a complete overview of the residential school system history, the public inquiries, and the calls to action refer to the *Final Report of the Truth and Reconciliation Commission of Canada* (2015).

¹⁷ For more information, consult the “Cree Board of Health and Social Services of James Bay” website: www.creehealth.org, and the “Cree School Board” website <https://www.cscree.qc.ca/en/>

3.2. State (Bureaucratic) Colonialism

According to Toby Morantz, the second form of colonialism affecting Cree people in James Bay is state colonialism (Morantz 2002, 8). The author defines state colonialism as the presence of a colonial government and the creation of a heavy bureaucracy that controls and manages the territory from afar. In the region, the State imposes legislation without the physical presence of state representatives (Ibid.). This form of colonialism is of the outmost importance in Québec. The implementation of the “état providence” (Providence state or welfare state) in the 1960s promised Québécois the creation of thousands of jobs for French Canadians in the public sector. Between 1960 and 1966, multiple ministries were created including the ministry of education, and similarly, the size of the bureaucracy increased. The state was composed of young, educated professionals who sought to transform the traditionalist province into a modern state (Ducharme 2009, 49). When the Paix des Braves was signed in 2002, the government of Québec put in place a number of ministries and bureaus to manage the northern part of the province and integrate it into its bureaucracy. The Paix des Braves is a prime example of this extensive bureaucracy: then premier Bernard Landry, then former provincial ministry of northern development, then provincial ministry of resources, as well as then provincial ministry of Aboriginal affairs all represented “Québec” in the agreement. The extent of the involvement of the government of Québec apparatus implies that the Paix des Braves actually operates within the communities under the supervision and management of the government of Québec. The Paix des Braves is thus a bureaucratic form of colonialism

Jean-Jacques Simard, in his article “Terre et pouvoir au Nouveau-Québec” suggests that the government of Québec has transformed the North into a bureaucratic filial of the government of Québec (Simard 1979, 108). While the author focuses on the impact of the development

projects in New Québec on Inuit populations, his criticism of Québec's engrained bureaucracy in Indigenous communities can be applied to the Cree. Simard examines how Québec has turned into "techno-bureaucratic Welfare State": he argues that Indigenous peoples in the North have been reduced to an administrative clientele, and their problems can only be resolved through the processes and services put in place by the state. Through the establishment of services targeted at Indigenous peoples in the north, the state ensures that an organic Indigenous political culture cannot emerge. Indigenous political structures are only capable of existing and thriving if they operate under the supervision of the state apparatus. Indeed their funding is dependent on the money transfers from the state, and any initiative is circumscribed by the structures already in place (Ibid., 112). The government legitimizes its control over the territory by providing services and financially compensating the communities. The state offers financial compensation and royalties that provide well-being to Indigenous communities while maintaining the monopoly over the extraction of resources (Ibid., 113). This wealth is economic, but also, and probably most importantly, political and social. The state controls the territory and can strip it of its original meaning to redefine it according to its own narrative.

State or bureaucratic colonialism also reflects the idea that the state has the paternalistic role of protecting Indigenous peoples from "the shocks of the world" (Ibid., 112). The creation of development agencies, such as the education policy under the Indian Act, represents the underlying idea that Indigenous peoples cannot manage their own affairs, and must receive these services from an external source (Blacksmith 2007, 58). This aspect of capacity and ability is important in analyzing the colonialism that still prevails in James Bay. Rather than providing services in a paternalistic manner, Simard persuasively suggests that it is imperative for Indigenous peoples to be able to reclaim the access to their own universe, and create services that

are tailored to their nation. The Paix des Braves has created the Cree School Board and the Cree Board of Health and Social Services of James Bay, two organizations created to give back control of health, education, and social services back to the Cree. However, the government of Québec funds both organizations. This creates a form of dependency on the state that must cease in order for Indigenous peoples to be able to create meaningful structures and systems of governance. Simard defines the “access to their own universe” as the power to fight and choose what is right for them (Ibid., 121-2). State colonialism persists so long as the state maintains control over the territory, provides and oversees services, and prevents the emergence of an independent Indigenous political culture.

Eve Tuck and K. Wayne Yang in their article “Decolonization is not a metaphor” agree that state colonialism is present in Canada and greatly contributes to the settler-colonial agenda of the country. Although they refer to state colonialism as “internal colonialism”, they agree on the definition and suggest: “ [Internal colonialism is the] biopolitical and geopolitical management of people, land, flora and fauna within the ‘domestic’ borders of the imperial nation” (Tuck and Yang 2012, 4). The settlers control Indigenous peoples through policies, schooling and minoritizing (Ibid.). Bureaucracy is an effective, legal, and legitimate way to control Indigenous peoples. Similarly, Taiaiake Alfred and Jeff Corntassel suggest, in their article “Being Indigenous: Resurgences Against Contemporary Colonialism”, that contemporary colonial practices have involved the separation of the body from its Indigenous identity, culture, and heritage, rather than the physical elimination of the Indigenous person (Alfred and Corntassel 2005, 598). Bureaucracy thus serves the purpose of fragmenting Indigenous identity into “status” and “membership”, as well as separating the cultural identity from the body (Ibid). By fixing and stagnating identity in legal categories, it prevents the thriving of an organic and

dynamic evolution in identity (Simard 1979, 121). This is not contested, challenged, or changed in the Paix des Braves.

Internal colonialism, or bureaucratic colonialism, has prevented the James Bay Cree from entering Alfred's process of radical reconciliation that involves resurgence, apology, and restitution. Although the Cree still celebrate their cultural and social heritage, and have asserted their political identity, they remain under the jurisdiction of the province of Québec and the government of Canada. Development on the territory occurs with or without Cree consent. As Matthew Coon-Come told the media in 2001: "If we do not sign, we can rest assured that the government will be back for the rivers and lakes. Will we win the next time?" (Cited by Gnarowski 2002, 73) Cree involvement in the creation of the Paix des Braves focused on their desire to preserve as much control over their own affairs, land, and resources. In 2000, Hydro-Québec had attempted to negotiate separately with the communities of Waskaganish and Eastmain about a development project that involved "the diversion of the Rupert River into the Eastmain 1 forebay and construction of EM1 and EM 1A" (Ibid., 69). Both communities were directly affected by these projects, but the government decided to negotiate separately in order to increase its bargaining power. The state company offered loans to these communities in order to invest in the projects, with the idea that they would pay the loans back with the profits from their shares. This approach was perceived as one of "divide and conquer", and resulted in tensions between both communities. Furthermore, all nine communities were still battling the government over the implementation of the JBNQA, and this new development project was perceived as one more hurdle in resolving the outstanding issues. Moreover, the inherent Cree right to access their resources was ignored, and while the potential profits proposed by Hydro-Québec were low, the loans represented a high risk for the communities (Gnarowski 2002, 69). Indeed, Hydro-Québec

proposed to Waskaganish and Eastmain to borrow funds in order to be part of the development project. By investing into EM1 and EM 1A, the community would use the proceeds to pay back their loan and invest in their community. However, the loans would have put an incredible financial pressure on the community without any insurance that the proceeds would be sufficient to reimburse the loans and invest in the communities. The only way to prevent Hydro-Québec from employing this tactic was to exclude the company from the debates and sign an agreement with the province of Québec. As Coon-Come argued, the Cree were strongly pushed toward opting in, but did not have the option to opt out.

It should finally be noted that federal bureaucracy also affects the James Bay Cree. The federal government is minimally mentioned in this thesis, as its role in the creation of the Paix des Braves and the development of the territory remains limited. Furthermore, the federal government has been excluded from the negotiations leading up to the signature of the Paix des Braves to avoid lengthy procedures, and stalling its signature. Nevertheless, the federal government and the James Bay Cree signed in 2007 the Agreement Concerning a New Relationship Between the Government of Canada and the Cree of Eeyou Istchee. The Agreement clarified Canada's obligation under the JBNQA, and a total payment of \$1.4 billion over a period of 20 years. The Agreement seeks to solidify the regional governance system that had been implemented by the JBNQA, but never approved by Ottawa (Grand Council of Crees 2016:3, 1).

3.3. Settler Colonialism and the transformation of the James Bay landscape

Although Toby Morantz admits that settler colonialism is indeed a form of colonialism that exists in James Bay, he argues that settler colonialism has not affected the Cree nation as deeply as southern Indigenous populations because the first permanent non-Indigenous

settlements in James Bay only developed in the second half of the twentieth century. As a result of this late development, Morantz argues that settler colonialism has only superficially affected the James Bay Cree. His concept of settler colonialism in James Bay is problematic because Morantz only defines settlements as the presence of settler communities in the territory (Morantz 2002, 4). However, the development of the territory through the creation of dams and reservoirs should be included in the definition of settlement as they are permanent reminders of the settler presence on the territory. The transformation of the land by the hydroelectric development projects presents similarity to the massive arrival of settlers in southern regions of Canada. Combined with state colonialism, external colonialism constitutes the fabric of settler-colonialism. Tuck and Yang argue that external colonialism involves the “expropriation of fragments of Indigenous worlds [...]” including natural resources and labour (Tuck and Yang 2012, 4). It includes the extraction of staple resources such as diamonds, water, and oil. It suggests the use of physical or overt violence, such as – but not exclusive to – military presence (Ibid.)¹⁸.

This approach to settler-colonialism clearly depicts Québec’s approach to James Bay. The Québec government has never used overt physical or military violence to assert its power in James Bay, although the appropriation of the territory and the transformation of the land in the early 1970s without including the Cree in the process are in themselves violent. As Tuck and Yang suggest: “Land is what is most valuable, contested, required. This is both because the settlers make Indigenous land their new home and source of capital, and also because the disruption of Indigenous relationships to land represents a profound epistemic, ontological, cosmological violence” (Ibid., 5). Through the appropriation of the land and its resources, James

¹⁸ For an overview of staple extraction in Canada, see Innis, Harold A. 1999. *The Fur Trade in Canada: An Introduction to Canadian Economic History*. Toronto: University of Toronto Press.

Bay has become critical in transforming Québec's understanding modernity and power. The Cree connection to the land was irrelevant to the developers of the project. As Leanne Simpson describes in her article "Anticolonial Strategies for the Recovery and Maintenance of Indigenous Knowledge": "[Indigenous] knowledge comes from the land, and the destruction of the environment is a colonial manifestation and a direct attack on Indigenous knowledge and Indigenous nationhood" (Simpson 2004, 377). The extensive extraction of resources in James Bay has hence put Québec in the category of a settler-state.

Control over James Bay includes the presence of permanent provincial infrastructures disturbing the land, and exploiting its resources. The hydroelectric development of James Bay has caused irreparable damages to Cree territory. The Phase I of the James Bay development project lasted from 1973 to 1986 and included the creation of three power stations on the La Grande River (LG-2, LG-3, and LG-4) that resulted in severe flooding of ancestral lands, as well as the destruction of trap lines and hunting grounds through the construction of dams and reservoirs (Desbiens 2015, 55). The flooding and diversion of the La Grande River undermined the Cree ability to live off subsistence hunting, trapping, and fishing. In 1984, 9,604¹⁹ caribous drowned during their migration when they entered a reservoir that was on their migrating path (Desbiens 2015, 53). Although the drowning of thousands of caribous has attracted negative publicity from national and international media²⁰, the flooding of Cree ancestral lands has allowed Québec to position itself as an international leader in hydroelectricity and significantly bolster its economic prosperity (Ibid.). These dams mean Hydro-Québec can produce a large quantity of electricity that Québec residents enjoy at one the lowest costs of electricity in the

¹⁹ Official number given by Hydro-Québec

²⁰ Most famously, the New York Times dedicated its front cover to the drowning on October 3rd, 1984. See: Martin, Douglas. 1984. "Thousands of Caribous Die in Quebec Rivers," *The New York Times*, Published on October 4th. <http://www.nytimes.com/1984/10/04/world/thousands-of-caribous-die-in-quebec-rivers.html>

world. It also provides a key export industry, particularly to the United-States market (Froment 2013, 1).

The transformation of the landscape has impeded the James Bay Cree from exercising their traditional occupations. As Boyce Richardson describes in his book *Strangers Devour the Land* (1991, 121), the development of the territory in the early 1970s has permanently endangered the traditional Cree way of life. During the 1970s period, Job Bearskin, a Cree man who lived in the bush and became one of the key witnesses in the Cree challenge against the Québec government and Hydro-Québec, stated in court that the loss of land to Hydro-Québec would cause invaluable damage. At the time, Bearskin indicated that he feared his descendants would be stripped of their identity if they were unable to live on their land (Ibid.).

Ignoring the impacts on identity and attachment to the land, the Paix des Braves sought to reduce Cree dependency by increasing the employment of Cree workers in the energy industry as well as through the development of infrastructures in the nine communities of eastern James Bay (Slowey 2009, 212). These jobs often require workers to leave their communities for weeks on end in order to work on jobsites situated far from their communities. These economic and material opportunities have transformed family dynamics, and isolated individuals from their communities. In brief, it has further separated Cree individuals from their identity. In order to allow Cree individuals to pursue traditional hunting activities and in an effort to preserve Cree culture and identity, the Cree Hunters and Trappers Income Security Board was set up in 1975 following the recommendations of the JBNQA and has secured funding following the signature of the Paix des Braves. Its mission is to “help encourage, maintain and facilitate participation of the Cree people in traditional harvesting activities as a way of life [...] (Cree Hunters and Trappers Income Security Board 2016, 1). A Cree individual who wishes to receive monetary

compensation, in the form an annual salary, for performing their traditional activities must spend 120 days a year in the bush (Larivière 2015, 13). In May of 2015, a total of 1439 hunters, trappers and/or fishermen received an annual salary (Ibid., 17). This program is interesting because it contributes to the survival of Cree traditional activities, and participants are financially compensated by the provincial government. However, despite its positive impacts, the provincial government funds the Cree Hunters and Trappers Income Security Board, and thus establishes the requirements of funding. This means that Cree hunters, trappers, and fishermen must follow these guidelines in order to be compensated for performing these traditional activities (Larivière 2015, 27). The decision-making process takes place in Québec city, rather than within the Cree communities. This situation is similar to what Tuck and Yang suggest, which is that settler colonialism involves the management of people combined with the management of the physical space, including resources and the land. The settler power, in this case Québec, occupies the land physically and bureaucratically (Tuck and Yang 2012, 5). By dictating how many days are required on land to access income, the government of Québec imposes its authority and ownership of the land on its original inhabitants. Ultimately, it is about destroying the Cree vision of the land and their relationship with it in order to reconstruct it. The government decides the amount of days necessary to be considered a hunter, trapper, and fisherman, and those who do not are often forced to find work in other industries, such as settler energy sector or the public sector. As Tuck and Yang observe: “The settler, if known by his actions and how he justifies them, sees himself as holding dominion over the earth and its flora and fauna [...]” (Ibid., 6).

Caroline Desbiens in her article “Nation to Nation: Defining New Structures of Development in Northern Québec” (2004, 357) suggests that Québec’s desire to “develop” the north has consistently come from a Lockean understanding of the land: the James Bay territory is

“valueless unless it is mixed with labour, which brings forth its potential and is thus a greater source of value”. In regards to land ownership, John Locke argues: “God who hath given the world to men in common hath also given them reason to make use of it the best advantage of life, and convenience” (Locke 1980, 18). Locke affirms that God has created the world for men, and they can claim ownership over a piece of land if they are capable of exploiting it to its full potential. An individual must use the “labour of his body, and the work of his hands” in order to transform the land into property (Ibid., 19). If a man is incapable of exploiting his parcel properly, the land is valueless. The Bourassa government, using Lockean rhetoric to justify its presence in James Bay, held that: “the water runs through the many rivers of Québec without having generated the electricity it is capable of producing is forever lost” (Desbiens 2004, 357). This liberal sentiment is also echoed in the ways many Québécois articulate their attachment to the land. In the 1995, the *Loi 91 sur l’avenir du Québec* (Act Respecting the Future of Québec) outlined Québec’s rights and responsibilities if a conclusive secession project was put forward, suggesting that the land belongs to Québécois because they have modified the landscape through hard work: “Parce que nous habitons les territoires délimités par nos ancêtres, de l’Abitibi aux Îles-de-la-Madeleine, de l’Ungava aux frontières américaines, parce que depuis quatre cents ans, nous avons défriché, labouré, arpenté, creusé, pêché, construit, recommencé, discuté, protégé et aimé cette terre que le Saint-Laurent traverse et abreuve²¹” (Gouvernement du Québec 1995, 464). Québec authority and legitimacy to rule over Cree lands is thus founded on the Lockean belief that the transformations Québécois have brought to the lands make it more valuable and theirs. While Indigenous peoples have mostly inhabited the territory and used it extensively,

²¹ “Because we live on territories delimited by our ancestors, from Abitibi to the Madeleine Islands, from Ungava to the United-States borders, because for the past four hundred years, we have cleared, ploughed, surveyed, dug, fished, built, re-started, discussed, protected, and loved this land that the St. Lawrence River traverses and waters” (free translation)

Québécois have viewed the lands as a blank canvas on which to build the province. Québécois have built their fortune on the dispossession of Cree lands. The political discourse promoted by the *Loi °1 sur l'avenir du Québec* as well as by then provincial premier Robert Bourassa rests on the basis that the James Bay territory has always belonged to Québécois. Before the 1970s, the James Bay territory was perceived as an untapped resource, an empty territory that would be exploited once the time was right (Bourassa 1985, 2-3).

The idea of Québec sovereignty over a territory through its transformation has deeply influenced the way Québécois think about development projects in James Bay. Through the exploitation of resources and damming, the Bourassa government thought the land could bring substantial economic benefits to the province. The government argued it was imperative to develop the territory in order to bring economic prosperity and modernity to the province. However, at the same time, the community of Chisasibi was forced to relocate due to the damming of the La Grande River, and has protested against more development over the past few decades because it wants to prevent any further exploitation and destruction of their ancestral land (Desbiens 2015, 54). Despite damages to the land, the government of Québec promotes James Bay as key to a common project that is at once representative of the province's capacity to innovate technologically as well as a statement of Québec economic and political strength from which all Québécois benefit. The Cree are part of these new narratives, as the development of their ancestral lands is key (Ibid., 55). Eeyou Istchee has been politicized and the Cree must become a politicized people as a result: "Today, the La Grand complex is an integral part of the James Bay region and is irreversibly stitched into the fabric of Eeyou cultural landscapes" (Ibid., 55-6). Indeed the external colonial attitude of Québec has been effective in forcing Indigenous peoples of James Bay to accept to development in their region. Although the James Bay Cree

have never opposed development, they have fought with the government of Québec during the 1970s, 1980s, and 1990s, to ensure that they needed to be an equal partnership in the development of their ancestral lands.

Alan Cairns in his book *Citizens Plus* suggests that the Canadian state must recognize the particular status of Indigenous people in Canada while also fostering their integration in Canadian society. The Paix des Braves has recognized the particular status of the James Bay Cree by stating: “Whereas this Agreement 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 “The Cree Nation must continue to benefit from its rich cultural heritage, its language and its traditional way of life in a context of growing modernization” (Paix des Braves 2002, 2.2; Ibid., 1). In the Paix des Braves, the government of Québec recognizes that the Cree worldview is historically distinct from the Québec society. However, the Paix des Braves’ ultimate goal, similarly to Cairns’ project of Citizens Plus, is to politically integrate James Bay and its inhabitants to the province. Through resource extraction and hydroelectric projects, the territory is effectively annexed, and as a result it brings important wealth and power to the provincial government. Furthermore, despite a rhetoric that the Paix des Braves reflects a relationship based on mutual respect and cooperation, the government of Québec maintains control over 98.5% of the territory, and has obtained the right to further exploit the rivers in the James Bay region. While Daniel Salée in his article “L’État québécois et la question autochtone” suggests that the Paix des Braves has marked a positive shift towards the recognition of the Cree ontology of the land, he concedes the government of Québec continues to exploit the land for its own profit (Salée 2003, 16).

The promise of establishing a ‘nation-to-nation’ relationship between the government of Québec and the James Bay Cree has not been achieved. The agreement does not recognize the nationhood of the James Bay Cree. It affirms Québec’s sovereignty over James Bay territory at the expense of Cree autonomy. Although the government of Québec recognizes ancestral Indigenous rights, and rights that have been legitimized by the JBNQA and the Paix des Braves, the territory ultimately falls under Québec jurisdiction. As Daniel Salée argues in his article “L’État québécois et la question autochtone”: “[s]i l’État [québécois] paraît généreux et mieux intentionné que jamais à l’égard des peuples autochtones, cela ne découle pas d’un penchant naturel pour la vertu” (Salée 2003, 17)²². The government of Québec reaffirms its identity by defining itself as a “nation” –a political, social, and linguistic unity – that possesses the legitimacy to sign an agreement without the interference of the federal government. Bill 99, the 2000 provincial bill that outlines Québec’s unilateral right to secede from Canada given that a ‘clear’ majority sanctions a secession project under a referendum, shows that the term “nation” does not hold the same meaning for the James Bay Cree in the Paix des Braves (Gouvernement du Québec 2000, 1). The James Bay Cree exist *within* Québec, and the government of Québec is unwilling to compromise the territorial integrity of Québec (Ibid., 3, 6). Hence, as Salée points out, the Paix des Braves remains an agreement that is rooted in power dynamics in which Québec maintains and strengthens its authority over the Cree. It is important to note that the nature of the term “nation-to-nation” has never been defined by the government of Québec and the James Bay Cree. Rather, the government of Québec used this term to send a strong message to the government of Canada that the province possessed the political legitimacy and sovereignty to create an agreement with an Indigenous people without the intervention of the federal. The

²² “If the Quebec state seems generous and more well intended than ever towards Indigenous peoples, it does not come from a natural tendency towards virtue” (free translation)

James Bay Cree also benefited from the lack of explanation. It allowed Cree leadership to state that they had entered into a process of reconciliation with the government of Québec as equals, although this was never the intention of the government. In brief, the government of Québec was never held accountable for using a statement as strong as “nation-to-nation”, and it is important to address that the term was used as a tool of propaganda, rather than a true promise to rebuild a relationship between equals.

Rather, the relationship between the provincial government and the Cree remains colonial. In 2011, the Liberal government of Jean Charest launched the Plan Nord (North Plan), “ [...] an ambitious sustainable development program for the development of resources in northern Québec. Based on a shared, unifying vision, this once-in-a-generation project heralded one of the largest economic, social and environmental development initiatives of our time” (Société du Plan Nord, 2014). The Plan Nord “will apply to the same geographical area as the initial plan, namely all of Québec located north of the 49th parallel and north of the St. Lawrence River and Gulf of St. Lawrence, an area of almost 1.2 million km² that represents 72% of Québec’s total land mass” (Ibid.). Indigenous communities affected by the Plan Nord have virulently criticized the project because it involves the creation of partnerships with international resource extraction companies and offers few long-lasting economic opportunities to Indigenous communities – including the James Bay Cree (Asselin 2011, 40). Furthermore, the government of Québec used its ‘divide to conquer’ tactic in order to maintain its authority over the territory. Contracts regarding road construction and resource development are negotiated community by community rather than with nations. This has created tensions and competition within the communities, as the financial compensation for these contracts varies from one community to the

next (Ibid., 39). As Hugo Asselin, Canada Research Chair in Aboriginal Forestry at the Université du Québec en Abitibi-Témiscamingue (UQAT) suggests in his article “Plan Nord: Les Autochtones laissés en plan”, the North Plan has proposed the creation of numerous roads across northern Québec that would connect to southern Québec (Ibid.). However, the government of Québec has not formally addressed who would be financially responsible for the maintenance of these new infrastructures (Ibid.). Moreover, despite promising that the North Plan would be unifying the province, Hydro-Québec and the government of Québec have dealt with communities individually through their band councils (Ibid., 39). Furthermore, they have proposed certain projects and monetary compensation that lacks equity and effectively divides the Cree, Inuit, Naskapi, and Innu communities involved in the project (Ibid., 39). The North Plan is proceeding without the approval of Indigenous communities impacted by the project. This attitude is reminiscent of the government of Québec’s attitude in 1971, when they began phase I of the James Bay project. The government seeks to exploit and develop the territory without facing hurdles. Negotiations with local Indigenous populations would be costly for the government of Québec and slow down the building process considerably.

Taiaiake Alfred suggests that radical reconciliation can only occur once there is a complete restitution of lands and Indigenous control over their own affairs (Alfred 2000, 180). In the case of the North Plan, restitution under radical reconciliation would include providing an Indigenous veto over development projects in order to ensure respect of the land and its inhabitants. Furthermore, it would mean that the government of Québec would obtain complete support and guidance from all communities involved before proceeding. However, from an institutional reconciliation perspective, the Paix des Braves and the North Plan can be considered

as positive steps toward reconciliation. The development of Northern Québec has contributed to the creation of a stronger public and private sector.

Conclusion

As illustrated in this chapter, radical reconciliation has not occurred in James Bay because the colonial relationship between the government of Québec and the James Bay Cree has not been resolved. Three forms of colonialism have existed in James Bay and continue to affect the Cree nation to this day. As Toby Morantz in her book *The White Man's Gonna Getcha*, these three forms of colonialism include: civilizing colonialism, state (or bureaucratic) colonialism, and settler colonialism (2002, 4-6). While evangelization missions are no longer the way colonialism is transmitted, the intergenerational trauma caused by the residential school system continues to affect the victims and their descendants. The impacts of the residential school system have yet to be addressed by the government of Québec. As Taiiaki Alfred suggests in his definition of reconciliation, the federal apology is an important part of the decolonization process, and the failure of the province to do so in the JBNQA or the Paix des Braves ignores the impacts the schools have on the communities.

Furthermore, it is necessary to acknowledge that provincial power deeply entrenched and solidified through bureaucracy. The bureaucracy created by the JBNQA and the Paix des Braves has fragmented Cree identity into legal and institutional categories. The Cree nation is guided by policies put in place in Québec City that dictate their traditional practices, and the provincial presence of the government in Cree communities ultimately subverts organic, traditional, and local systems of governance.

Finally, James Bay is a clear case of settler-colonialism. Although the presence of permanent non-Indigenous towns on the territory remains limited, the permanent hydroelectric

infrastructures on the land has forever changed and affected Eeyou Istchee. These infrastructures are a constant reminder that the territory has been claimed and is occupied by the government of Québec. Settler-colonialism, as Tuck and Yang describe it, is at once the management of the physical space and the management of the people inhabiting it. Through the development of the Cree territory, the government of Québec is able to extract resources and develop the hydroelectric potential of the rivers while also ensuring through the JBNQA and the Paix des Braves that the Cree population retains limited control over their ancestral lands.

Because radical reconciliation can only occur once colonialism is addressed and resolved, it is necessary to acknowledge the trauma caused by the loss of land and the residential school system, as well as the deeply entrenched bureaucracy. The Paix des Braves has yet to address any of these colonial aspects in James Bay and as a result, is not a tool of radical reconciliation.

Chapter four – Institutional Reconciliation: Improving Cree Living Conditions in James Bay

Introduction

As the previous chapter examined, the Paix des Braves has failed to reconcile the government of Québec and the James Bay Cree from a radical perspective. Indeed, the agreement has not resolved the complex colonial relationship that exists between both nations. The Paix des Braves has perpetuated three forms of colonialism in James Bay: Civilizing colonialism, state or bureaucratic colonialism, as well as settler-colonialism.

Nevertheless, based on the definition and tenants of institutional reconciliation, the Paix des Braves has reconciled the James Bay Cree and the government of Québec. The first part of this chapter examines how the government of Québec's attachment to James Bay has influenced the content of the Paix des Braves and the creation of a new relationship between them and the James Bay Cree. The government of Québec's agenda in James Bay has been favourable to an institutional reconciliation with the Cree. This section suggests that ethno-nationalism and territoriality are the two key elements of Québec sovereignty that have impacted the content of the Paix des Braves and the establishment of a new relationship based on cooperation and mutual respect. The second section examines the impacts of institutional reconciliation on the living conditions of the Cree in the nine communities. The presence of Hydro-Québec and private resource extraction companies has contributed to a drastic increase in Cree employment rates. Furthermore, the revenues generated in James Bay have been injected in communities and improved the quality of the services offered to the Cree as well as the infrastructures.

4.1. Québec sovereignty: Ethno-nationalism and territoriality

It would be wrong to suggest that the James Bay Cree is the only group with a claim to Eeyou Istchee. Although the Cree have inhabited the territory for millennia and their identity is inextricably tied to their lands, Québec has developed, over the past four decades, a strong nationalist pride in regards to James Bay. As Jeff Corntassel and Taiaiake Alfred argue in their article “Being Indigenous: Resurgences against Contemporary Colonialism”, both settler and Indigenous identity in Canada is place-based (Alfred and Corntassel 2005, 597). James Bay is a “place” that is now part of Québécois imagination and identity, as much as it is for the Cree. The Paix des Braves established clear boundaries regarding the relationship each party could establish with the land. As described in the previous chapter, the agreement secured a level of Cree control over the territory while ensuring that the government of Québec would maintain final political and economic authority.

For the Cree as well as for the government of Québec, the James Bay territory is critical to their respective sovereignty. For the James Bay Cree, sovereignty rests in occupying their ancestral land. Indeed, Cree sovereignty stems from being part of the land, and their physical and emotional survival rests on their capacity to live and hunt in the territory (Carlson 2008, 5). For Québec, sovereignty equals economic independence, much of which is drawn from hydroelectricity but also stems from the power to govern a large territory that includes James Bay. Indeed, the government of Québec has defined its sovereignty based on linguistic, cultural, and political unity, as well as through the creation of strong and well-delimited territory.

As these two understandings of sovereignty have historically stood in opposition, the Paix des Braves has put in place policies that have institutionally reconciled both parties. The agreement has used the two key features of Québec sovereignty, namely ethno-nationalism and

territoriality, to establish a new relationship with the Cree that would give back a certain amount of authority and control to the communities.

One must make an important distinction between ethno-nationalist groups and Indigenous peoples. In general, the former group occupies a territory and seeks to secede from the state they are currently a part of in order to create a new country. These groups are typically marginalized, and the dominant group threatens the lands they have historically inhabited (Niezen 2000, 140). Ethno-nationalist groups, such as the Kurds and the Palestinians, claim a territory occupied by one or more dominant groups. As these movements are driven by groups that present ethnic and/or linguistic unity, the countries created through secession typically become nation-states. These states, such as France, Germany, and Japan, contain mostly one nationality, one official language, and typically one religion. On the other side, Indigenous peoples do not ordinarily seek to secede from the settler-state. Indigenous peoples want autonomy within the existing state, and final authority over their lands and people (Ibid., 140-1).

Typical of ethno-nationalist movements, Québec has the desire to secede in order to control and manage its own territory and affairs without interference from external authority. In contrast, for the James Bay Cree, and similarly to other Indigenous groups in the world, sovereignty is not about secession. Rather, sovereignty is rooted in land and people (Ramos 2000, 100). As outlined in chapter 2, Québec has historically sought independence within the Canadian state. However, since the 19th century, a number of separatist parties, who believed that independence within the state was insufficient to preserve French culture and language in North America, have emerged²³. The secession movement reached a peak in 1968 with the creation of

²³ Chronologically, these parties are: The Parti Patriote, the Parti du Rassemblement National (RIN) the Parti Québécois, and the Bloc Québécois. A few political organizations also promoted Québec independence: The Patriotes, the Rassemblement pour l'indépendance nationale (known as the RIN). The movement became a party in

the Parti Québécois, founded by ex-liberal minister René Lévesque. This party led two referendums regarding secession, the first one occurring in 1980 and the second one fifteen years later in 1995 (Jackson and Jackson 2009, 427). While both referendums failed in mandate to create a sovereign and independent state, the quest for sovereignty and improved autonomy within Canada continues to shape the ways in which Québec manages its territory.

Québec has argued that its desire to secede from Canada comes from having been colonized by the British Empire. In the Act Respecting the Future of Québec that would have served as Québec's constitution in the event of a successful secession project, the preamble, titled "Déclaration De Souveraineté" (Sovereignty Declaration) states that "la conquête de 1760 n'a pas brisé la ténacité de leurs descendants à demeurer fidèles à un destin original en Amérique²⁴" (Gouvernement du 1995, 464). An emphasis is put on French Canadians' colonial and colonized past, and an expressed wish to go back to the Golden Age of the French presence in North America. The Déclaration De Souveraineté suggests that there is a profound attachment to the Mère Patrie (France) that persists to this day, and the survival of French culture and heritage in North America depends on Québec's ability to separate itself from the historical threat of English Canada. From an ethno-nationalist perspective, Québécois are identified as such based on their country of origin and birth (respectively France, and Québec) and their mother tongue (French). Part of the sovereignist project involves the government of Québec's capacity to extend this identity into James Bay, and bring the area under the umbrella of national unity. Through the reinforcement of Québécois values and ideals, the government of Québec is able to strengthen its sovereignty both internally and nationally.

1963), as well as the Mouvement Souveraineté-Association (MSA). The RIN and the MSA merged and formed in 1968 the Parti Québécois

²⁴ The 1760 conquest has not broken French descendants' tenacity, and they have remained faithful to their original North American destiny (free translation)

In 2000, the National Assembly sanctioned Bill 99 that outlines Québec's rights to secede, and provides that no other parliament or government can reduce Québec's powers, authority, and sovereignty (Gouvernement du Québec 2000, 1). It also provides that French-speaking Québécois represent the dominant group in society, and that minorities and Indigenous peoples must be included in any secession projects (Ibid., 2). This bill is important because it details how Québec would proceed in the event of a successful sovereignty vote. It does not question whether or if Indigenous peoples would be included in the secession project assuming integrity of the population or territory. The Cree were one of the most vocal groups opposing the 1995 referendum: "[The] Crees used international law to claim that they had the right to dispose of their resources as they deemed fit and to remain as citizens of Canada if this way is in their best interest" (Gnarowski 2002, 51). In fact, the James Bay Cree held a separate referendum regarding Québec's right to secede. They asked the following question: "Do you consent, as a people, that the Government of Quebec separate the James Bay Crees and Cree traditional territory from Canada in the event of a Yes vote in the Quebec referendum?" 96% of the nation voted "no", arguing that the Cree and their territory should not be forced to leave Canada with Québec. The Cree argued that they possess a right to self-determination, and as a result Québec did not have the right to secede without obtaining the consent of Indigenous peoples (Wherrett 1996, S A.1). The potential exclusion of the Cree and Eeyou Istchee from secession was not well received among the 'yes' camp. Bloc Québécois leader, Lucien Bouchard, declared in 1994 that "there is no way that any Quebecker would accept that a square inch of that territory be extracted from Québec" (GCC 2016:4, 1). Bouchard pointed to the territorial integrity of Québec's sovereignty, and the necessity to maintain that territorial integrity in order to achieve the status of a sovereign, independent state. Indeed, not only is territoriality an important part of Québécois

identity, it is also integral to sovereignty. A newly formed state must possess clear, undisputed territory and borders (Crawford 2007, 111). The potential success of Québec secession rests on a clear majority of people agreeing to the creation of a new sovereign, and independent state in a territory clearly defined and undisputed.

In order to formally express their disapproval of Québec secession plans and aspirations, the James Bay Cree published a report titled *Sovereign Injustice* in 1992 when the independence question initially resurfaced in Québec. In the report, they discussed at length the right for their nation to remain within Canada. They further suggested that any attempt made by Québec to secede with Canada, constituted a direct infringement on international Indigenous law (Ibid.). In *Sovereign Injustice*, the James Bay Cree raised two important questions regarding the legitimacy of Québec to secede unilaterally from Canada: “On what basis could Québec claim it can simply take over existing federal treaty obligations and unilaterally determine that the Canadian government would no longer be a party to the treaties concerned?” and “On what basis can the PQ claim that Canada is divisible, but not the territory of a secessionist Québec?” (Grand Council of the Crees 2016: 2) In a separate referendum and the publication of *Sovereign Injustice*, the Cree sent a clear message to the government of Québec that even if it obtained a “clear” “yes” mandate to negotiate with the federal government on sovereignty-association, the Cree refused to be part of a new independent Québec state (Ibid.). A month before the 1995 referendum, on October 25th, Grand Chief Matthew Coon-Come clarified:

Let me start at the outset; as I have done before: We Crees understand the aspirations of Quebecers. We fully respect their right to hold consultative referendums and determine their future. But I must also state that this cannot and will not be done at the expense of our rights or of the rights of other peoples in Canada. (cited by Gnarowski 2002, 53)

However, as Coon Come notes, an independent Québec would not come at the expense of the Cree. Since the *Royal Proclamation* of 1763, the Crown “ [has] retain[ed] title to the land mass of Canada, but [has] recognize[d] the right of Native peoples to use and occupy the land” (Jackson and Jackson 2009, 33). Furthermore, since the Constitution Act of 1867, the federal government has also held the exclusive jurisdiction over Indigenous peoples and the lands protected and reserved for them (Ibid., 248). Indigenous peoples, including the James Bay Cree, are thus recognized under federal jurisdiction, and Québec’s sovereignty project promised to alter this constitutionally entrenched relationship.

Ted Moses pointed to the contradiction in 1994 and asked: “Why should Canada recognize a right to self-determination for the various populations of a province that threatens secession, and yet oppose the recognition of that same right to indigenous peoples, who make no such claim to independence?” (cited by Niezen 2000, 138). There is a fundamental hypocrisy in Québec. It was to exercise its right to self-determination and secession while at the same time refusing to acknowledge the Cree’s rights to opt out of its sovereignist project.

Nevertheless, ethno-nationalism in Québec has been debated. Reg Whitaker, in his article “Sovereignties Old and New: Canada, Quebec, and Aboriginal peoples”, argues that French Canadians have successfully resisted assimilation for four hundred years, and contributed to the Canada’s bi-national nature. Canada has built itself upon the fact that French Canadians were there to stay (Whitaker 1999, 74). However, Québécois cannot be classified as an ethno-nationalist group because their cultural and political identity was always recognized by Canada (Ibid.). Rather, he suggests that Québec’s sovereignty project is about gaining territorial sovereignty (Whitaker 1999, 69). To elaborate, Whitaker suggests that Québec sovereignty is about securing control over the territory, rather than creating an homogenous Québécois cultural

entity (Ibid., 80-2). He suggests that cultural, linguistic, and political unity is a ludicrous project because Québec is composed of multiple groups, including French Québécois, English Québécois, cultural minorities, as well as Indigenous peoples (Ibid., 74). Rather, Whitaker proposes an interesting theory on the nature of territoriality in which he argues that Québec seeks to secure and reinforce its borders through legislation and the physical occupation of the territory. In doing so, the province ensures that it maintains its political strength throughout the entirety of the territory.

The government of Québec requires complete control over the territory and its resources, and the James Bay Cree's inherent rights to manage their ancestral lands comes in opposition to Québec's agenda. The government of Québec has defined its sovereignty based on linguistic, cultural, and political unity, as well as through the creation of strong and well-delimited territory. As an Indigenous group, James Bay Cree sovereignty undermines the creation of a Québécois unity, and threatens to reduce the delimitations of Québec's territory. In terms of cultural, linguistic, and political unity, the presence of the James Bay Cree in Québec raises serious concerns. Ronald Niezen, in his article "Recognizing Indigenism" writes: "Québec sovereigntists have insisted on maintaining the present borders of the province in any independent state, despite the fact that much of the northern region is occupied by native peoples who do not speak French, who share none of the cultural convictions of Québec sovereigntists, and who not wish to be included in a sovereign Québec" (Niezen 2000, 138). Indeed, separatists have raised serious concerns regarding Québec's ability to include James Bay and its Cree inhabitants in a new unified, independent, and sovereign state. It has also opened the door on the debate concerning Cree sovereignty and the inherent right to self-determination.

4.2. Reconciling Sovereignties in James Bay

The Paix des Braves has succeeded in combining both Cree and Québec expressions of sovereignties and creating a new relationship that would benefit both nations. Québec has succeeded in implementing ethno-nationalist and territorial policies in the Paix des Braves by legitimizing the authority of the state company, Hydro-Québec. Created in the early 1940s, the company was emblematic of Québec's success in the energy sector. Québécois possess a strong attachment to Hydro-Québec as it stands as a prime example of the province's economic strength and leadership. The government of Québec chose to develop James Bay with the help of Hydro-Québec in order to maintain control on the territory. While the provincial government has recently included, through the launch of the North Plan, private companies in the development of Northern Québec, the great majority of Eeyou Istchee is developed and exploited by the provincial company (Desbiens 2015, 10). As a provincially-owned company, Hydro-Québec's head office is situated in Montreal and the final decisions are taken by the government of Québec, situated in Québec city. In terms of conflict resolution, the Paix des Braves legitimized Hydro-Québec's power in James Bay. In sections 2.5.f) and 2.5.g), the Cree consented to stop all legal proceedings regarding the Eastmain A/Rupert Project, and to facilitate the construction of the Eastmain 1 (EM1) project (Paix des Braves 2002, 6). Hydro-Québec has contributed to the rapid economic and social development of the territory, and to what Caroline Desbiens in *Power from the North: Territory, Identity, and the Culture of Hydroelectricity in Québec* describes as a Cree quiet revolution (2015, 47). Indeed, similarly to the leap into modernity Québec experienced in the 1960s, the Cree quiet revolution rooted the nation into communities, gave them access to technology, and transformed their nomadic or semi-nomadic lifestyles. As a result of these changes, their communities became highly bureaucratic, and more connected to the rest

of the province. The development of James Bay has transformed the Cree and integrated them into Québec's sovereignty project. This tactic means that the government of Québec has little interest in slowing down development (Ibid., 47-8).

Nonetheless, the development of institutions and the omnipresence of Hydro-Québec, as well as other private mining and energy companies in James Bay, have positively impacted the living conditions of the James Bay Cree. The Paix des Braves has allowed Cree communities to directly negotiate with private companies, and secure important money transfers in exchange for the authorization to extract resources from their territory. In order to facilitate the creation of economic partnerships between the nine communities and mineral extraction private companies, the Paix des Braves created the Cree Mineral Exploration Board (CMEB), a Cree owned and run board dedicated to providing development opportunities in James Bay. According to its website, its mission is to “develop a broad range of initiatives that will promote mineral exploration opportunities and the Crees’ involvement in them” (Mark 2016, 1). Most notably, the CMEB has been mandated to support the community of Wemindiji, who signed in 2011 an agreement with Goldcorp Inc., a gold extraction company. While the revenues the community benefits from remain confidential, the agreement hired 1,000 Cree workers in 2012 for permanent or temporary positions both in the mines and offices of the company (Gessell 2012, 15). The increase in Cree employment throughout the energy sector has contributed to a radical improvement in employment rates across all nine communities. In 2001, one year before the creation of the Paix des Braves, the employment rate across all nine communities was 46% (Descôteaux 2015, 3). According to the latest publicly released federal census of 2011, the employment rate has jumped to 53.3% while the unemployment rate is at 12,1% (Statistics Canada 2011). While certain communities continue to experience high unemployment rates, such as the communities of

Mistissini and Chisasibi with respectively 22,5% and 15,6% of its population unemployed in 2011 (Statistics Canada 2011), the money transfers and other revenues have drastically increased since the signature of the Paix des Braves. This has resulted in the presence of Cree owned and operated social and health services thoroughly available to all Cree individuals inhabiting the nine communities. These services, such as the Cree Health and Social Services of James Bay and the Cree School Board, possess modern infrastructures and operate in accordance with Cree principles and worldview. As a result of these improvements, the James Bay Cree currently possess one of the “highest standards of living in Aboriginal communities in Québec” (Oblin 2007, 1).

The Quiet Revolution described by Desbiens has also convinced the younger generation to pursue post-secondary education in order to obtain a specialized job in the energy sector or in the ever-growing administrative bureaus and offices across James Bay. Through the Paix des Braves, private companies are now encouraged to offer training programs to Cree workers in order to facilitate Indigenous employment (David 2012, 11). However, post-secondary education remains limited in James Bay and most students are forced to go south to obtain their degree. While this had previously contributed to the massive exodus of Cree youth to southern urban poles, the increase in job offers is slowly contributing to the youth return to their home communities (Ibid.).

The employment provisions as well as education, health, social, and political policies described in the Paix des Braves have improved the living conditions of the James Bay Cree as well as consolidated Québec’s presence on the territory. As defined in chapter 1, institutional reconciliation involves the inclusion of Indigenous peoples into Canadian institutions and

society, or in this case Québec institutions and societies. While most institutions created through the Paix des Braves are run by Cree individuals according to Cree worldview, they are funded and supervised by the government of Québec. By signing the Paix des Braves, the Cree became an integral part of Québec institutions and society. They have permanently settled in communities in order to occupy full-time positions in administrative institutions or the energy sector. Meanwhile, the government of Québec maintains a financial and political control over Cree affairs, by funding their organizations and creating economic partnerships through Hydro-Québec and with private extraction companies.

Hence, the Paix des Braves, an agreement that sought to solve the outstanding issues resulting from the JBNQA and improve the relationship between the James Bay Cree and the government of Québec, has succeeded in its mission. The agreement and its provisions bind both parties for the fifty-year period outlined in the Paix des Braves. Although the Paix des Braves has received mixed reviews by the Cree communities and has not addressed their colonial relationship with the government of Québec, it has resolved the main social dysfunctions facing the Cree nation, namely unemployment and poor living conditions.

Conclusion

In brief, the Paix des Braves has reconciled the James Bay Cree and the government of Québec from an institutional perspective. Both the James Bay Cree and the government of Québec possess an attachment to the territory and seek to assert their sovereignty. While the Cree wish to live on the land and govern themselves, the government of Québec wants to maintain the territorial integrity of the province and ensure that all inhabitants are political, cultural, and social unified. The Paix des Braves succeeded in accommodating both visions of sovereignty. The Cree obtained greater autonomy by running Cree organizations and institutions that had previously

been under Québec jurisdiction. These new organizations and institutions operate under Cree principles and worldviews. Furthermore, private corporations as well as Hydro-Québec are strongly encouraged to train and hire Cree workers. This resulted in a radical increase in Cree employment, and living conditions in all nine communities. While unemployment rates remain high in certain communities, every Cree individual has access to quality health and social services. Furthermore, while Cree youth still pursues post-secondary education in the south of the province, the creation of new jobs both in the new offices, bureaus, and organizations as well as the energy sector have contributed to a higher return in the communities.

Hence, institutional reconciliation has not resolved the colonial relationship between the settler-state and Indigenous populations. The government of Québec continues to fund and control the territory both economically and politically. However, institutional reconciliation has been widely pursued by all communities because it is a pragmatic solution to the on-going social dysfunctions affecting Cree people. It has offered practical solutions to improve the living conditions of the James Bay Cree. The Paix des Braves is not a nation-to-nation agreement as it claims to be because the Cree remain subordinate to Québec's authority. However, their autonomy *within* the province has been recognized and is protected under the provisions of the Paix des Braves.

Conclusion

This thesis has attempted to address the current debate surrounding reconciliation, and debate whether the 2002 Paix des Braves agreement between the government of Québec and the James Bay Cree is an example of reconciliation. Following the publication of the TRC report, the government of Canada stated that reconciliation between the state and Indigenous peoples would be achieved once Indigenous peoples would be able to break the cycle of intergenerational trauma caused by the residential school system. The first question of this thesis was thus: What is reconciliation? This thesis suggested that reconciliation referred to the existence of a problem that required a resolution. However, in order to resolve the social dysfunctions affecting Indigenous peoples in Canada today, it is necessary to properly identify the original source of conflict. Although it is true that the residential school system has profoundly impacted Indigenous peoples in Canada and contributed to social dysfunctions in communities such as domestic abuse, substance abuse, and high suicide rates, it was a tool that was part of an assimilationist agenda rooted in colonialism. Hence, it cannot be isolated as the sole cause of trauma. Rather, colonialism is the root cause of the “problem” that requires a resolution. This resolution must involve a process of decolonization.

Research Objectives

In chapter one, two trends in the literature concerning reconciliation were identified: the institutional approach and the radical approach. While both approaches agree that colonialism is the root cause of the social pathologies affecting Indigenous peoples in Canada, the solutions they offer differ and follow different paths. The institutional approach suggests that the existing Canadian political channels possess all the necessary elements to properly address colonialism. It

extols the creation of land claim agreements because they circumscribe and officialise the duties of the state with Indigenous peoples regarding land and rights. They also facilitate Indigenous self-governance, albeit under the supervision of the federal and provincial governments. They further ensure that Indigenous peoples obtain financial compensation for the development of their ancestral lands, and that the money transfers foster the creation of new infrastructures in communities.

The radical approach argues that Canada is a country constructed on colonialism and it is thus incapable of remedying colonialism. Rather, reconciliation can only be achieved once a process of decolonization occurs. Taiaiake Alfred suggests the emergence of a process he calls “resurgence-apology-restitution” that can achieve this view of reconciliation (Alfred 2005:2, 22). That is, Indigenous peoples must be able to identify the colonial world in which they exist in order to deconstruct it. Furthermore, the state must acknowledge and bring awareness to the Canadian population about Canada’s colonial legacy and contemporary functioning.

Radical reconciliation has yet to be achieved in Canada, and serves as an ideal rather than a pragmatic answer to the social dysfunctions present in communities. It does not provide a viable path to the establishment of peaceful relations between governments and Indigenous peoples.

Given the radical and institutional definitions of reconciliation and how to achieve them, this thesis asks the following question: Is the Paix des Braves agreement between the government of Québec and the James Bay Cree an example of reconciliation? In order to answer this question, the second chapter of this thesis focused on the history of French Canadians, or Québécois, in North America, and the relationship they have developed with the territory and its original inhabitants. The importance of territoriality in Québécois identity and imaginary proved

that French Canadians in North America developed an attachment to Québec as a means of survival. This chapter suggested that controlling the James Bay region emerged as a necessary means to modernize Québec and achieve economic independence.

This historical background offers an important insight into the signature of the Paix des Braves in 2002 that came as a means to resolve lingering conflicts emerging out of the JBNQA. The Paix des Braves was hailed as the creation of a nation-to-nation agreement between the government of Québec and the James Bay Cree. Chapter 3 suggests that the Paix des Braves is not reconciling under radical reconciliation because it has not decolonized the relationship between the James Bay Cree and the government of Québec. It is not a nation-to-nation agreement because it maintains the existence of three forms of colonialism on the territory: civilizing colonialism, state or bureaucratic colonialism, and settler-colonialism. However, chapter 4 argues that institutional reconciliation has been achieved in James Bay because the pressing social, economic, and political issues have been addressed and resolved.

Indeed, the third chapter argues that, not only is the Paix des Braves not reconciling under the radical perspective but also colonialism is still present in James Bay, and the Paix des Braves has exacerbated the problem rather than offered a solution. Indeed, Toby Morantz, in his book *The White Man's Gonna Getcha*, identified three types of colonialism that are in effect in James Bay: civilizing colonialism, state (bureaucratic) colonialism, and settler colonialism (Morantz 2002, 7-9). While “civilizing” missions in the form of residential school no longer exist in James Bay, the trauma caused by the residential school system still affects the Cree. The Paix des Braves, despite putting in place new institutions, does not apologize for past harm as well as the intergenerational trauma caused by the residential school system. Furthermore, state or bureaucratic colonialism is increased as a result of the Paix des Braves. The heavy bureaucratic

presence of the government of Québec in the Paix des Braves circumscribes the rights of the James Bay Cree to organize their government along traditional lines. Moreover, Cree identity has been fragmented in legal and political categories, and their rights to perform their traditional activities are delineated by an external force. Furthermore, the James Bay Cree remain under the control of the federal minister of Aboriginal Affairs and Northern Development Canada, and are organized under an imposed system of governance. The Paix des Braves has served as a bureaucratic tool that compartmentalizes the land in institutional categories, and strips it of its holistic quality.

Finally, settler-colonialism has transformed the landscape in James Bay and is probably the most visible form of colonialism. The presence of dams, reservoirs and other hydroelectric infrastructures serve as a reminder of the on-going presence of the government of Québec in Cree territory. These infrastructures have forever impacted the territory, and the Cree people have had to adjust to this new landscape. The Paix des Braves has expanded its grip of settler-colonialism in James Bay. The perpetuation of the colonial ideology prevents radical reconciliation from occurring in James Bay.

The fourth and final chapter argued that, despite perpetuating colonialism, the Paix des Braves is reconciling under the institutional approach. The first section of the chapter examined how the government of Québec's articulation of their sovereignty has influenced the creation of the Paix des Braves. Québec sovereignty is based on ethno-nationalism and a strong desire to maintain a unified territory. This has influenced the content of the agreement and, ultimately, the renewal of their relationship with the James Bay Cree. Institutional reconciliation has succeeded in James Bay because the Paix des Braves has legitimized Cree rights in James Bay, as well as has secured their authority over the development of the territory and the management of their

people. The Paix des Braves has injected millions of dollars into communities. This has resulted in a drastic improvement in the living conditions in the nine communities as well as in the infrastructures. Furthermore, the presence of Hydro-Québec and private resource extraction companies has contributed to an increase in employment rates and education rates across most communities. Finally, the improvement in living conditions has further reinforced Québec sovereignty in James Bay. The James Bay Cree have joined Québec society and their improved relations with the government of Québec has contributed to the integration of Eeyou Istchee into the province of Québec.

Hence, the Paix des Braves cannot be understood as an Indigenous revolution tool. It has not challenged or redressed colonialism in Québec. The government of Québec remains the final authority over the territory and people of James Bay. The Paix des Braves has legitimized and secured development in James Bay and resource extraction. However, the agreement has allowed the James Bay Cree to develop a strong governance system from which they manage their territory and their people with more freedom than before 2002. The Paix des Braves has offered pragmatic solutions to the social dysfunctions all nine Cree communities of James Bay were facing. The Paix des Braves has renewed the relationship between the government of Québec and the James Bay Cree and created an environment based on mutual respect and cooperation.

Paths for future research

Although the Paix des Braves has been mentioned in the literature since its creation in 2002, the discussions surrounding the impacts of the agreement on Cree communities remain limited. This thesis has analyzed the impacts of the agreement from a reconciliation perspective, and debates could be brought much further through the involvement of Cree communities in

future research. While Cree leadership has been vocal since 2002, there have been very few interviews conducted with members of the nine Cree communities. The best way to assess the success of the Paix des Braves agreement and its promise to reconcile would be to address with the communities whether their living conditions and their relationships with the government of Québec have indeed improved. Indeed, Conducting interview and fieldwork could provide more in-depth insight on the day-to-day impacts on the communities and their people.

Furthermore, it would be important to analyze how the signature of the JBNQA and the Paix des Braves has contributed to the creation of a stark contrast between the living conditions of the Crees of Québec and the Crees of Ontario, situated on the western side of James Bay. A comparative study between the Québec Crees and the Ontario Crees would provide valuable insight on the economic, social, and political value of agreements such as the Paix des Braves. Evaluating the feasibility of implementation such an agreement in Ontario could provide solutions to the recent suicide epidemic in the Ontarian Cree community of Attawapiskat as well as significantly improve the living conditions in the communities.

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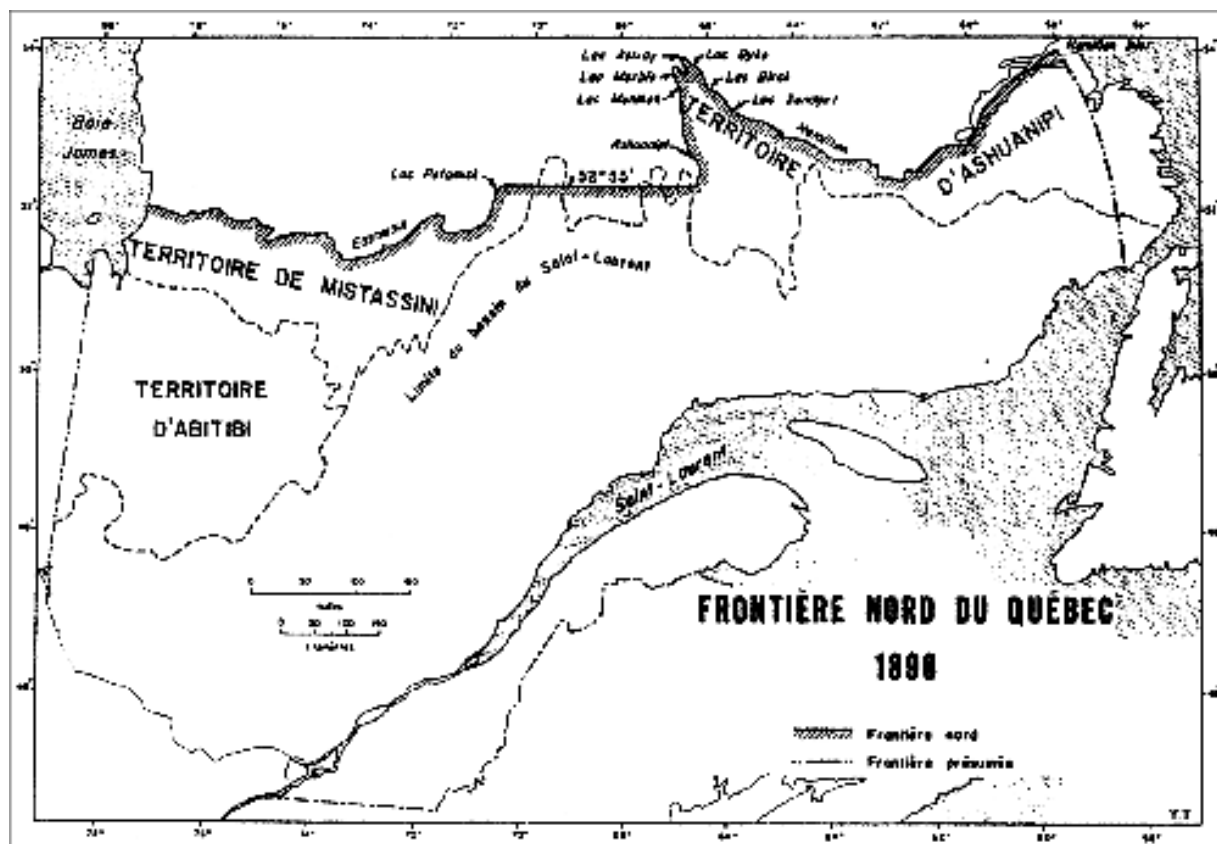
Appendix 1



Map of James Bay including the nine Cree communities, as well as the Inuit and non-Indigenous towns located on the territory.

Source: Back, Brian A. 2016. "Cree of Quebec, also known as the East Cree or James Bay Cree," Map on *Ottertooth*, Retrieved on May 23rd. http://www.ottertooth.com/Native_K/jbcree.htm

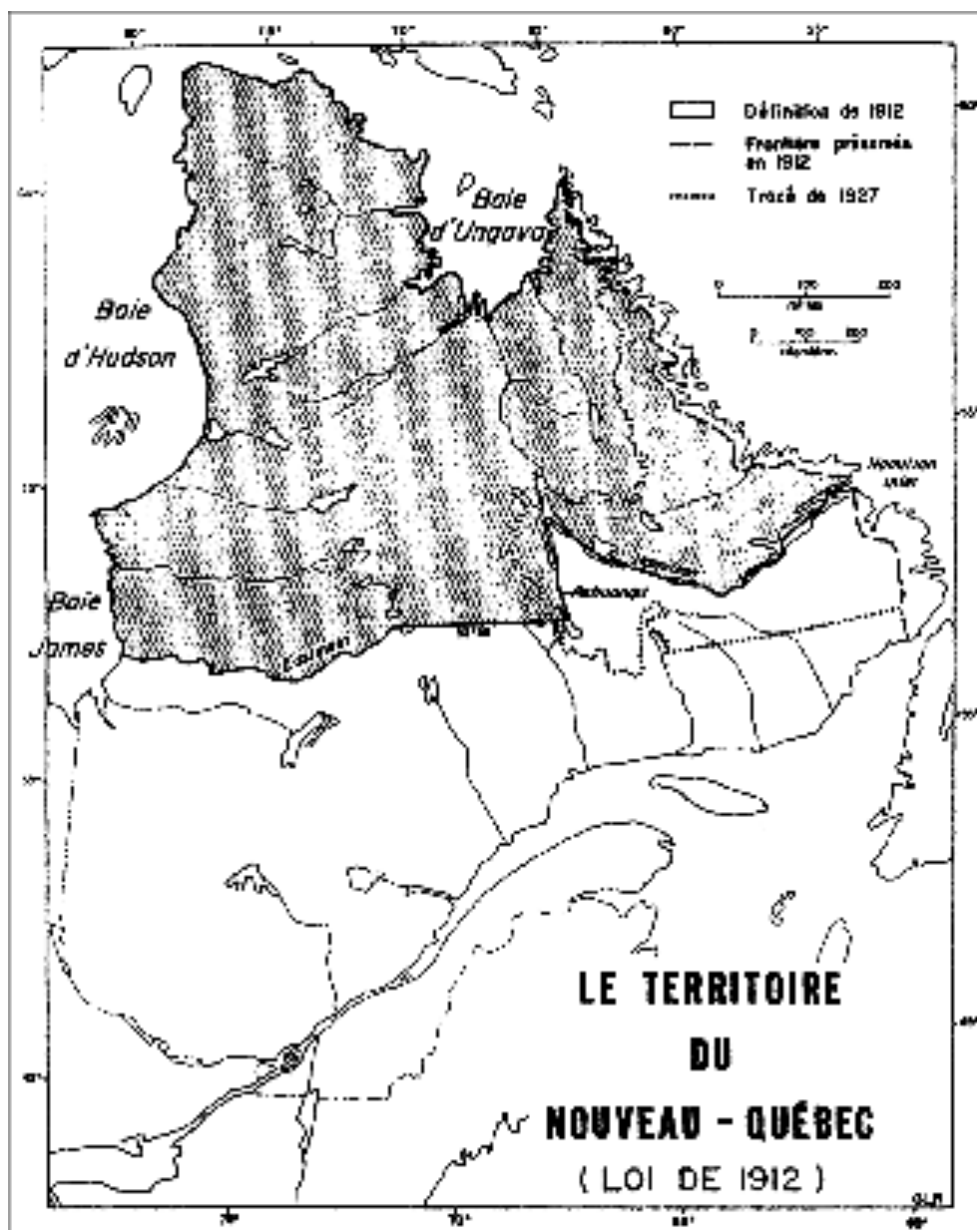
Appendix 2



Map showing the territorial expansion of the province of Québec following the 1898 Loi de l'extension des frontières

Source: Frenette, Jacques. 2013. "Les lois de l'extension des frontières du Québec de 1898 et de 1912, la Convention de la Baie James et du Nord québécois et la Première Nation Abitibiwinni," *Recherches Amérindiennes au Québec* 43(1): 88.

Appendix 3



Map showing the territorial expansion of the province of Québec following the 1912 Loi de l'extension des frontières

Source: Frenette, Jacques. 2013. "Les lois de l'extension des frontières du Québec de 1898 et de 1912, la Convention de la Baie James et du Nord québécois et la Première Nation Abitibiwinini," *Recherches Amérindiennes au Québec* 43(1): 89.