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## GRAND COUNCIL OF CREES (QUEBEC)

Submission to the

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of Discrimination and Protection of Minorities
Working Group on Indigenous Populations

Fourth Session

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## RIGHT TO LAND AND TO NATURAL RESOURCES

The Grand Council of the Crees of Quebec represents the nine Cree communities that comprise the Cree Nation in Quebec, Canada. These Cree Bands have since time immemorial lived in the subarctic region of the Eastern shore of James Bay. We are indigenous people who hunt, fish, and trap as a way of life.

In the early 1970's the Government of Quebec, a provincial government within Canada, began the construction of a major hydroelectric project that would flood a large part of our land and would destroy, through the development of industrial activity, our traditional way of life.

The work was started without our approval and without any consultation or discussion with us. When we raised objections and expressed fears regarding the loss of our land and our way of life we were told that officially both the Government of Canada and the Government of Quebec considered us "squatters"; that we had no title to the land and that as a consequence we had no right to occupy the land.

With great difficulty and expense we brought this matter before the judicial system, and, while construction continued on our land, argued in court for almost a year to prove that we had never surrendered our land. We won in one court only to be overruled by a higher court that said our indigenous rights were subject to the "balance of convenience" of the large immigrant population to the South that wanted electricity.

Only because of the threat of a legal appeal by the Crees, Canada and Quebec agreed to negotiate Cree land claims with the Grand Council of the Crees of Quebec. However, during the negotiations the construction continued; the land was transformed and many of the people were forced to find a new kind of livelihood.

The Crees realized that they were being forced to change their way of life, and that even the most favorable legal decision would not bring back the land and animals that were being destroyed by the hydro-electric project. Under these circumstances we tried in our negotiations with Canada and Quebec to minimize the damage to our people and to our way of life.

Canada and Quebec were unwilling to share even a small part of the great wealth from the sale of electricity produced by the dams. Our major interest was to preserve as much as possible our traditional life of hunting, fishing and trapping. Even our requests to continue with these kinds of activity were opposed during the negotiations. Eventually we won limited rights to continue traditional activities; but some of the rivers we had fished were now dry, while the newly created lakes were contaminated with mercury.

Faced with the inevitability of the changes that were being forced upon us, we attempted in the negotiations to establish the basis for a Cree community where there would be a viable choice between continuing a traditional life on the land, or participation in the new wage earning economy that was being imposed.

The Crees fought for an environmental protection regime, protected hunting and fishing rights, and certain modifications in the project. But we also wanted Cree controlled educational facilities, and access to modern Cree controlled health services.

It may seem strange for a land claims settlement to be used to establish a Cree School Board or a Cree Health Board, but this was the only opportunity we had to alleviate the harm caused to our people be the sub-standard education, and poor or non existent health care provided to Indians by the Canadian government.

We wanted to be sure that the Cree communities which would now be occupied throughout the year would have proper houses, clean water, and sanitary services. We also wanted a commitment from Canada and Quebec that Cree children growing up in this new urbanized society would have at least the same opportunities as other Canadians.

Finally, as the first inhabitants of this land, a sense of natural justice led us to the conclusion that we should be beneficiaries in the resources that the land provides.

In 1975 the James Bay and Northern Quebec agreement was signed by the Crees and Inuit, and Canada and Quebec. It is Canada's first modern treaty. The Government of Quebec completed the giant James Bay Hydro-electric Project, and the Crees as beneficiaries of the claims settlement began to reconstruct their society.

Since that time things have turned sour.

In 1980 an epidemic in the Cree communities killed seven of our children. Medical help came only after repeated requests to government authorities. Scientific study showed that the disease was caused by contaminated water and the absence of sanitary

facilities.

Although the James Bay and Northern Quebec Agreement made SPECIFIC provisions for the construction of water systems and sanitary facilities these had not been provided. Although Quebec law required these facilities they were not built. The Crees had asked over and over for these essentials. They were turned down by the Government of Quebec, which had obtained Cree land and was now selling the electricity from Cree rivers.

It was only after we came here to Geneva in 1981, after newspaper articles and television coverage, that the Government of Canada finally started to provide the clean water supplies they had promised in the Agreement. The quebec government has still done nothing to honour its commitment.

The 1980 epidemic was only the beginning of a long and painful effort by the Crees to force these two governments to respect the James Bay and Northern Quebec Agreement.

Canada, which has taken our land, now takes the official view that we were not promised LEGALLY BINDING special benefits in signing the Agreement. To prevent future outbreaks of disease Canada provided water and sanitary facilities to respect the "spirit" of the Agreement, but insists that it was not REQUIRED to do so. Quebec has ignored its obligations to us under the Agreement.

Indigenous people beware. We have now spent the last ten years in this frustrating work. Progress has been slow, and success is only receiving what was first promised.

Through the James Bay and Northern Quebec Agreement, we fought for and finally won a self-government act for the Crees and Naskapis of Quebec. Through this legislation we have finally escaped the racist provisions of Canada's Indian Act. Nevertheless we are still forced to live under the rules of the old Indian Act because Canada refuses to put the new legislation into effect, feeling it gives us too much autonomy.

We ask the Working Group to take note of the fact that even in Canada, a country with well respected democratic institutions, indigenous rights are not protected nor are formal land claims settlements respected. The Cree experience should be carefully observed and noted.

The Crees were the first Canadian Indians to sign a land claims settlement, and are now the only indigenous group to have self-government legislation. Our experience is a warning to others, but it is also an opportunity for Canada to prove that it truly respects the human rights of its indigenous people and that errors can be corrected.

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