

Evolution and Structure of the Cree Nation Government

Looking Ahead Together Conference

**Secretariat of Cree Nation Abitibi-Témiscamingue
Economic Alliance**

Amos – June 1, 2016

Outline

- Milestones – Cree Nation
- Cree Nation Government
 - Establishment and early years
 - Assumption of certain Quebec responsibilities (*Paix des Braves*)
 - Assumption of certain federal responsibilities (*Cree-Canada New Relationship Agreement*)
 - Expanded powers and functions on Category II lands (*Cree-Quebec Governance Agreement*)
 - Current organization
 - Ongoing development

Milestones – Cree Nation

- Announcement of James Bay Hydroelectric Project (1971)
- Cree opposition and coordination at regional level (1971-1973)
- *Kanatewat* decision (Malouf J.) – halting development (1973)
- Creation of Grand Council of the Crees (of Quebec) (1974)
- *James Bay and Northern Quebec Agreement* (1975)
- **Establishment of the Cree Regional Authority** and other Cree entities (1978)

Milestones – Cree Nation

- *Cree-Naskapi (of Quebec) Act* and incorporation of Cree bands (1984)
- Legal proceedings against Canada and Quebec (1989)
- Opposition to Great Whale Project (1989-1995)
- *Paix des Braves* (2002)
- *Cree-Canada New Relationship Agreement* (2008)
- *Eeyou Marine Region Land Claims Agreement* (2010)
- *Cree-Quebec Governance Agreement* (2012)
- Cree-Canada Governance Negotiations

Cree Nation Government

- Originally established as “Cree Regional Authority”
- Now designated as “Cree Nation Government” under *Cree–Québec Governance Agreement* (2012)
- Same legal entity
- Same composition and structure
- New governance functions

Establishment and early years

Cree Regional Authority

- Public corporation referred to in Section 11A of *James Bay and Northern Quebec Agreement*
- Established in the 1978 under the *Act respecting the Cree Regional Authority*
- Legal person **established in the public interest** – also a non-profit association
- It may also be designated as EYYOU TAPAYATACHESOO
- Acts through a Council of 20 members
 - » Chairman and Vice-Chairman elected by all Cree eligible voters
 - » Chief and one representative from each of nine (9) Cree Communities

Establishment and early years

The objects of the Cree Regional Authority include:

- to **establish, administer and coordinate**, on Category I lands, the **services or programs** established by or for Cree communities (at the request of Cree communities),
- to **give valid consent**, on behalf of the Crees, where such consent is required
- to **appoint representatives** of the Crees, where such representation is provided for, on all agencies, bodies and entities (e.g. bodies in JBNQA, Sections 22 and 24 – JBACE, COMEV, COMEX, COFEX, HFTCC)
- through the Board of Compensation, to **receive, administer, use and invest** the JBNQA compensation (1975)
- to **relieve poverty, promote the general welfare and advance the education** of the Crees, **promote the development** and means of intervention of the Cree communities and promote civic improvements

Establishment and early years

The objects of the Cree Regional Authority (*cont'd*):

- to work toward the **solution of the problems** of the Crees and, for such purposes, to **deal with all governments**, public authorities and persons
- to carry out research and **provide technical, professional and other assistance** to the Crees
- to assist the Crees in the **exercise of their rights** and in the **defence of their interests**
- to foster, promote, protect and assist in the **preservation of the way of life**, values and traditions of the Crees
- to establish and maintain a regional police force
 - this object was added in 2008 leading to the amalgamation of the local police forces and the creation of the Eeyou-Eenou Police Force

Assumption of certain Quebec responsibilities

Paix des Braves (2002)

- Main purposes include:
 - the establishment of a new **nation-to-nation relationship**
 - the **assumption of greater responsibility** on the part of the Cree Nation in relation to its **economic and community development**
 - means for the participation of the Crees in mining, forestry and hydroelectric development
 - the **settlement of disputes** with Quebec, including in regard to the JBNQA

Assumption of certain Quebec responsibilities

Paix des Braves

- From April 1, 2002 to March 31, 2052, the Crees assume, with funds provided under the Paix des Braves, certain responsibilities of Quebec under the JBNQA concerning economic and community development, including:
 - Cree Trappers' Association (CTA), Cree Outfitting and Tourism Association (COTA) and Cree Native Arts and Crafts Association (CNACA)
 - Economic development agent and assistance to Cree entrepreneurs
 - Training programs, facilities, job recruitment and placement services
 - Community centres, essential sanitation services, fire protection
 - Community affairs services and assistance to friendship centres
- The Cree Regional Authority (now the Cree Nation Government) **plays a key role in coordinating, supporting and implementing** the assumption by the Crees of these Quebec responsibilities

Assumption of certain federal responsibilities

Cree-Canada New Relationship Agt. (2008)

➤ Main purposes include:

- to establish the basis for a new relationship between Canada and the Cree Nation
- to improve the implementation of the JBNQA
- to commit Canada to recommend to Parliament amendments to the *Cree-Naskapi (of Quebec) Act* regarding new powers of the CRA on Category IA lands
- to provide the process for negotiating a Governance Agreement with Canada
- to provide for the assumption by the CRA of certain responsibilities of Canada under the JBNQA
- to resolve claims, grievances, disputes and other matters between Canada and the Crees

Assumption of certain federal responsibilities

Cree-Canada New Relationship Agt. (2008)

- From April 1, 2008 to March 31, 2028, the Cree Regional Authority (now the Cree Nation Government) assumes, with funds provided under the Agreement, certain responsibilities of Canada under the JBNQA, including:
 - Certain aspects of the administration of justice for the Crees
 - Cree Trappers' Association (CTA), Cree Outfitting and Tourism Association (COTA) and Cree Native Arts and Crafts Association (CNACA)
 - Training programs, facilities, job recruitment and placement services
 - Community centres, essential sanitation services, fire protection
 - Economic development agents and community affairs services
 - Construction, replacement and repair of band facilities and related operation and maintenance

Assumption of certain federal responsibilities

Cree-Canada New Relationship Agt. (2008)

- In order to enable the CRA/CNG to receive and carry out the assumed federal JBNQA responsibilities, the *Cree-Naskapi (of Quebec) Act* was amended in 2009 to provide that:
 - the CRA/CNG acts as a **regional government authority** on Category IA land
 - it may **assume any federal responsibilities** agreed on by the CRA/CNG and Canada
 - it has the **power to make by-laws** on Category IA land respecting:
 - » the regulation of buildings used for housing and regional governance
 - » essential sanitation services and health and hygiene
 - » the establishment, maintenance and operation of fire departments
 - » the protection of the environment, including natural resources

Powers and functions on Category II lands

Cree-Quebec Governance Agt. (2012)

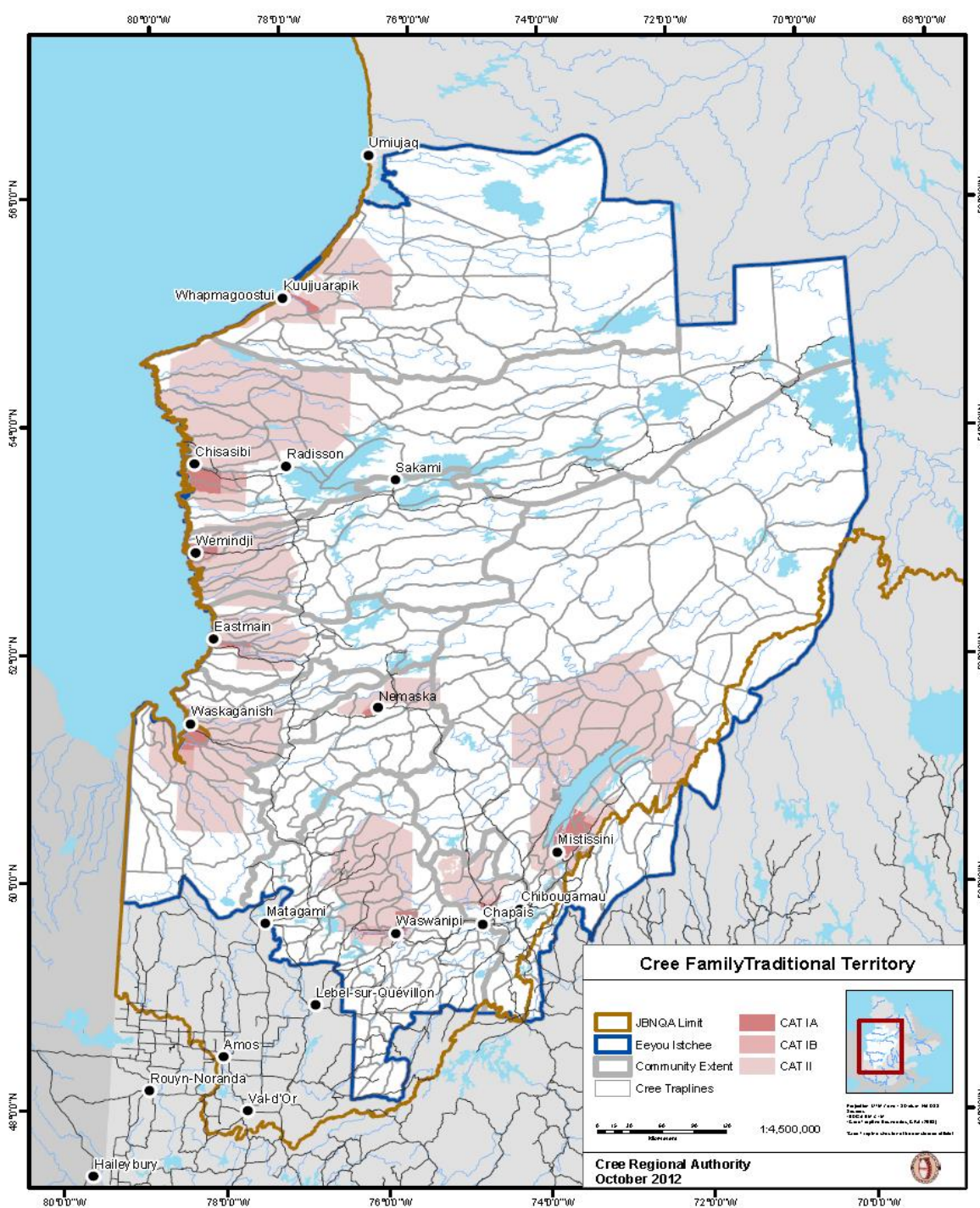
➤ Main purposes include:

- **Greater Cree autonomy** and governance on Category II lands
- **Modernization of governance** on Category II and III lands
- **Cree participation in governance of Category III lands** in partnership with other residents of Territory
- **Replace MBJ by new Eeyou Istchee James Bay Regional Government**
- **Settlement of disputes** with Quebec re
 - » Section 11B of JBNQA re James Bay Regional Zone Council
 - » Dispute concerning Bill 40 (2001), Municipalité de Baie-James (MBJ) issues and exclusion of Crees from governance of Eeyou Istchee

Powers and functions on Category II lands

Cree-Quebec Governance Agt. (2012)

- As of January 1, 2014, the Cree Regional Authority continues to exist as the **same legal entity** under new name:
 - Cree: “**Eeyou Tapayatachesoo**”
 - English: “**Cree Nation Government**”
 - French: “**Gouvernement de la nation crie**”
- Its **structure and composition remain the same** until otherwise agreed between the Cree and Québec
- Existing CRA **by-laws, policies and operational rules remain** in effect until amended



Category II Lands

Total area 69,995 km²

Powers and functions on Category II lands

Cree-Quebec Governance Agt. (2012)

- Cree Nation Government may exercise on **Category II lands**, under Quebec laws, jurisdictions, functions and powers over:
 - **Land and natural resource planning & regional development**
 - » Powers previously exercised by a Regional Conference of Elected Officers (CRÉ)
 - **Land and resource management**
 - **Municipal management**
 - **Local development**

Powers and functions on Category II lands

Cree-Quebec Governance Agt. (2012)

- Cree Nation Government is considered as a **regional county municipality (MRC)** for the purpose of exercising powers regarding **regional and local development** for the Crees and with respect to Category I lands and Category II lands
 - Land use and development plan and strategic vision for economic, social, cultural and environmental development
 - Including all powers previously exercised by a Regional Conference of Elected Officers (CRÉ)
- CNG participates in **joint Cree-Québec table** for the development of Québec's **Public Land Use Plan (PATP)** for Category II lands
- Cree Nation Government **may affirm its jurisdiction**, on all or part of the Category II lands, with respect to **any other field of jurisdiction** assigned to a **local municipality** or an **regional county municipality (MRC)**

Powers and functions on Category II lands

Cree-Quebec Governance Agt. (2012)

- Cree Nation Government, in regard to the Cree and Category I and II lands:
 - Acts as primary interlocutor of Québec as regards **regional development**
 - Establishes a **5-year development plan** to identify general and regional development objectives for the region
 - **Advices Québec** on regional development questions
 - Administers **Regional Development Fund (RDF)** for the region (now designated as “**Territories Development Fund**”)
 - Enters into **specific agreements** with Quebec in order to exercise powers and responsibilities

Powers and functions on Category II lands

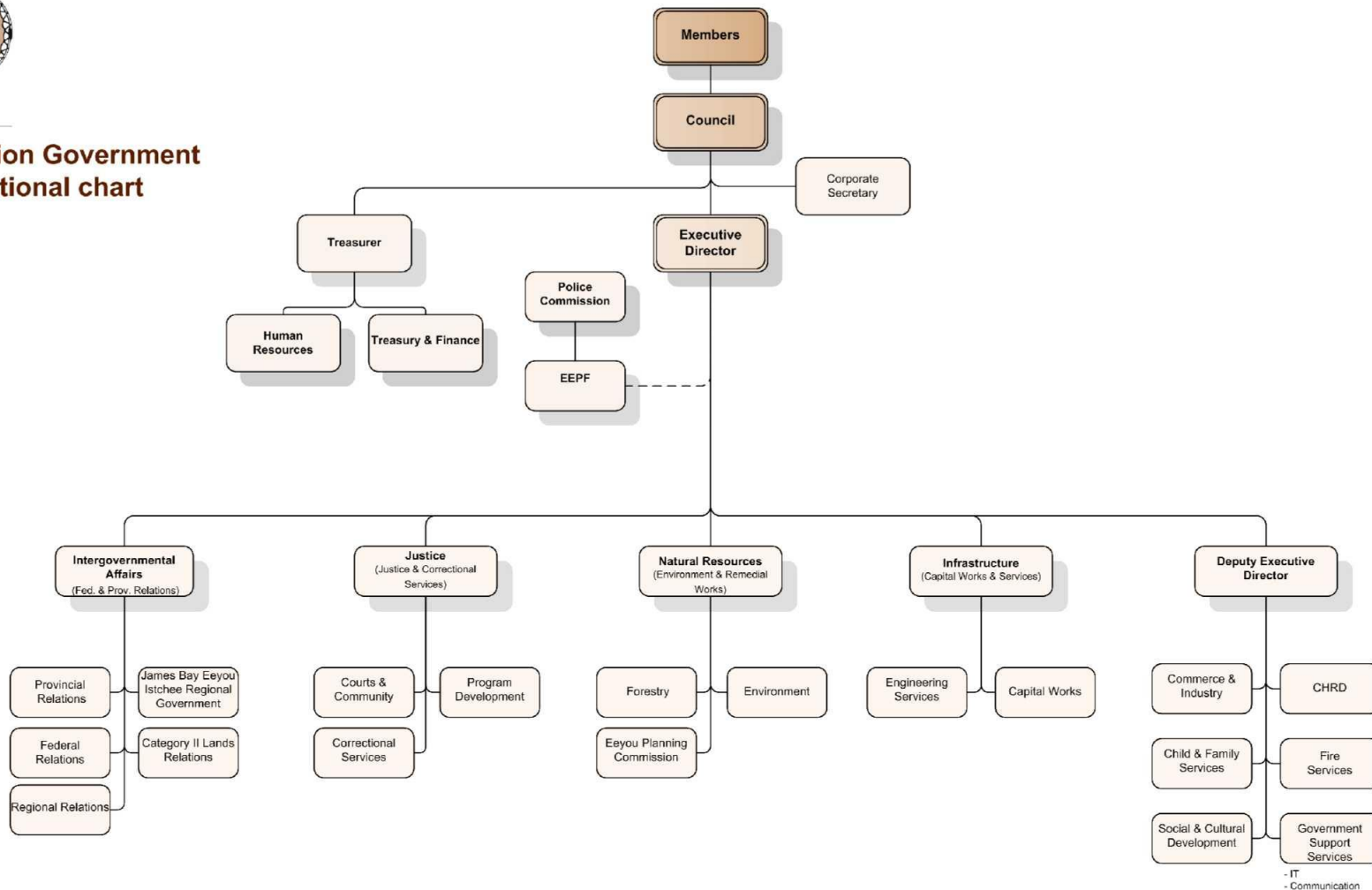
Cree-Quebec Governance Agt. (2012)

- CNG may exercise **land and forestry management** powers on Category II lands
 - Subject to negotiation of specific Nation-to-Nation agreement with Québec
 - Powers defined
 - » In current and future Québec programs, or
 - » As agreed between Crees and Québec from time to time
- Collaborative forestry management régime between CNG and Québec on Category II lands

Current Organization



Cree Nation Government Organizational chart



Current Organization

Implementation and organizational growth

- Creation/reorganization of CNG Departments
 - Government Services
 - CNG Planning Working Group
- Establishment of Eeyou Planning Commission
- CNG Staffing program
- Land Use Unit of CNG Environment and Remedial Works Department

Ongoing Development

Cree-Canada Governance Negotiations

- The Cree-Canada New Relationship Agreement sets out a process for the negotiation between the Crees and Canada of a Governance Agreement to define the law-making authority and other powers of the Cree Nation Government on Category IA lands
- In the earlier stages of these negotiations, the Crees and Canada had a fundamental difference of approach on key issues
 - Application of federal *Self-Government Policy*
 - Precedence of JBNQA treaty
- However, since early 2015 negotiations have become constructive and there are now indications of a positive outcome
- These negotiations are confidential and it is not possible to discuss details here

Ongoing Development

Cree-Canada Governance Negotiations

- We have reviewed with Canada a number of options which build on the current Cree governance regime established pursuant to the JBNQA
 - These options offer an opportunity for the Cree regional and local governments to improve certain aspects of Cree governance while protecting Cree rights, in particular, Cree treaty rights under the JBNQA
 - We are now working with Canada to resolve the remaining outstanding issues in order to conclude discussions and finalize a Governance Agreement as soon as possible

Ongoing Development

Cree-Canada Governance Negotiations

- The Governance Agreement **will not replace** the JBNQA treaty
- Cree Nation Government since JBNQA (1975) – **incremental steps**
- Like the Cree-Quebec Governance Agreement, the Governance Agreement with Canada will build on extensive Cree governance entities, powers and mechanisms that already exist under the JBNQA treaty and related agreements, such as:
 - Local government (Cree bands) – Section 9
 - Cree Nation Government – Section 11
 - Health and Social Services and Education – Sections 14 and 16
 - Justice and Police – Sections 18 and 19
 - Environmental Protection Regime (JBACE, COMEV, COMEX, COFEX) – Section 22
 - Wildlife management (HFTCC) – Section 24
 - Economic and social development – Section 28
 - Forestry – Section 30A

Ongoing Development

Cree-Canada Governance Negotiations

- Some of the key elements of the Governance Agreement
 - **Protect and reinforce** Cree treaty rights under JBNQA
 - Governance powers of Cree bands on Category IA lands **maintained and improved** through Governance Agreement
 - Balance between local and regional Cree governments will **remain unchanged**
 - Cree governance on Category II lands not affected
 - Cree institutions and their existing powers and responsibilities protected, *e.g.*
 - Cree School Board
 - Cree Board of Health and Social Services of James Bay
 - Eeyou Eenou Police Force

Comments / Questions