

**SPEAKING NOTES
FOR
DR. ABEL BOSUM
FOR THE
"IMAGINING TOMORROW: LESSONS FROM INDIGENOUS YOUTH" SYMPOSIUM**

[TEMPLE EMANU-EL-BETH-SHOLOM, MONTREAL APRIL 30, 2017]

Rabbi Grushcow, Mr. Jonathan Goldbloom, Mr. Michael Goldbloom, Fellow Participants, ladies and gentlemen:

Kwey, Bonjour, Shalom, Good Afternoon.

It is a great honour for me personally to have been invited to participate with such a distinguished panel of presenters and to share some experiences with you today about the youth of the Cree Nation of Eeyou Istchee—the Cree people of the James Bay region of northern Quebec.

Let me also say very clearly how pleased I am to participate in this symposium which reflects a very consistent and laudable response on the part of this community to the "Calls to Action" which came out of the *Report* of the Truth and Reconciliation Commission.

What many people in the general public know about Indigenous youth is often a result of very dramatic headlines in the news about epidemics of suicide and other deaths in remote communities, where the overall suicide rate among First Nation communities is about twice that of the total Canadian population, horrific examples of substance abuse and general alienation and marginalization.

The statistics are stark and the problems, along with their causes, are well known. We have all heard about the grinding poverty, the social

disorganization, the incarceration rates, forced assimilation, the inter-generational impacts of the Indian Residential School System, domestic abuse and violence, the inadequacies of the Native Child Welfare System, the effects of the “sixties scoop”, colonization, forced displacement, political marginalization, racism, negative stereotyping, poor education, limited work opportunities, loss of traditional culture....and the list goes on and on.

These are indeed very sad realities in so many of our communities throughout Canada. They are present also in our region of northern Quebec; however, there is an important difference. The prevalence of these realities are not nearly so pronounced as they are in other parts of Canada, and in fact, most of these indicators suggest that in our Cree communities the presence of these realities tends to approach provincial averages. So, although these realities are known to us, their degree is not that much different from the rest of Quebec.

Where these realities occur in their most dramatic form, it is not unrelated to the extreme poverty which is present in the majority of our communities across the country. What comes with that poverty is overcrowded housing, a lack of basic water and sanitation facilities and a wide range of debilitating disadvantages.

If I may be blunt, Indigenous peoples in Canada have been studied to death. We know what the problems are, we know what the causes are, and no amount of further research, and no amount of empty political promises will bring about the shift which is ethically and morally necessary, and which is at the same time, I believe, achievable practically.

What I would like to share with you this afternoon is some history of the Cree Nation over the past 40 years which may help to explain why our statistics are so different, and to highlight what I believe to be the critical factors which make the difference. What I will also share with you is how it has come to be that our Cree youth now are at the center and the focus of our thinking about, and our planning for, the future. Indeed, when it comes to our youth, we are actively planning for success rather than planning for how to cope with poverty.

It has now been just over forty years since we signed Canada's first comprehensive land claims agreement, the *James Bay and Northern Quebec Agreement*. Since then the Cree Nation has been on a path that has taken us from a point in history when the notion of "aboriginal rights" had very little meaning, to the situation in which we find ourselves today, where the Cree Nation has forged nation-to-nation relationships with the federal and provincial governments, we have dramatically improved the standard of living in our communities, and we play an important role in the governance and in the economic development of a vast portion of our traditional territory. We have worked hard over the past forty years to put all the necessary building blocks in place to engage in true indigenous nation-building.

Since that time, we have gradually and incrementally arrived at a point where we are on the brink of becoming the major economic and political force in Eeyou Istchee—our traditional territory in northern Quebec, an area of over 400,000 square kilometers, or two-thirds the size of France. Eeyou Istchee includes the lands on the eastern shore of James Bay and south-eastern Hudson Bay, as well as the lakes and the rivers that drain into them.

Quebec's intentions to develop the resource potential of our lands was thrust upon us in the early 1970's. At that time, Quebec announced its plan to proceed with the James Bay Hydroelectric Project—a project which at the time was the largest hydroelectric project in the world. Even though it would be built entirely within our traditional territory, this project was announced without consulting us and without obtaining our consent.

The prevailing ideological underpinning of this approach towards indigenous peoples by both resource developers and governments was the concept of *terra nullius* and the *Doctrine of Discovery*, that is, the belief that the territories in question were uninhabited by human beings, as defined by papal decrees, and therefore, were open for acquisition. According to this ideology, there could be no legal impediment to settlement or development initiatives that would require discussions or consultations with the indigenous peoples who occupied the lands in question, or to obtain their consent. Indigenous people were simply non-humans, squatters at best, and without rights.

The Cree Nation refused to accept this premise. We took legal action, seeking an injunction to stop the James Bay Hydroelectric Project from going forward. In a surprisingly progressive decision at the time, Justice Malouf of the Quebec Superior Court granted our injunction. He found that the damages that we would suffer if the project were permitted to continue would cause serious harm to our culture and way of life that could not be adequately compensated. A week later, however, the Court of Appeal overturned this decision, allowing the project to continue. But Justice Malouf's confirmation that we did have rights in respect of our traditional territory compelled Quebec and Canada to negotiate with us. The result was the *James Bay and Northern Quebec Agreement*, signed in 1975.

When Section 35 was included in the Canadian Constitution, recognizing and affirming existing aboriginal and treaty rights, the JBNQA was recognized to be more than just a contract between the Crees and the governments--it was recognized as a constitutionalized document that has the force of law behind it, and it is now part of the legal foundation of this country.

The JBNQA established and affirmed a number of key elements that would set us on the path to nation-building, including: a partnership between the Cree Nation and the Province of Quebec in the future development of the territory; a measure of self-governance for our communities and for our Nation involving local administration, health, education, policing and justice; a regime to ensure the remediation of the social and environmental impacts of future development projects; the protection of our traditional way of life; and support to realize our economic development potential.

However, when it came to implementing the Agreement, both the Federal and Provincial governments fell far short. Commitments were not fulfilled, promises were not kept and the initial spirit and vision of the Agreement that we had fought so hard for was soon forgotten and often outright denied.

Over the course of the next two-and-a-half decades, we initiated legal actions and led public campaigns to redress these failures. We also strongly opposed further hydroelectric development projects on our traditional territory. These projects were once again proposed without our consent and without our involvement. We maintained the view that our connection with our traditional lands is fundamental to our identity as a people and to our culture. Projects which did not include our participation and which did not obtain our explicit, prior and informed consent would be actively opposed.

Quebec's attempts at secession in the mid-1990s led to additional challenges for the Cree Nation. Quebec believed that, if it seceded from Canada, our traditional lands would remain in Quebec. Once again, we were not consulted. We mounted a major challenge to Quebec's secession claim. We even held our own referendum, in which over 96% of our people voted "no", affirming that we did not consent to the Quebec government separating the James Bay Crees and Cree territory from Canada in the event of a "yes" vote in the Quebec referendum. As a "People" under international law we declared our right to self-determination. We would not be passed back-and-forth like pieces of furniture between various provincial or federal jurisdictions without our consent. We took this fight all the way to the Supreme Court of Canada. So persuasive was our argumentation during these turbulent times, that many of our arguments were utilized by Canada in the Supreme Court reference case on Quebec secession.

After years of struggles, legal battles and public campaigns in which we fought for our rights as a people and advocated for our right to govern ourselves, we finally secured additional agreements with each level of government. Eventually, both Quebec and Canada came to understand, once again, that we were serious about our rights and that we would challenge any initiative which did not respect and acknowledge our rights. And they finally got our message. In 2002, we signed the historic "Paix des Braves" with Quebec, and in 2007, we signed a "New Relationship Agreement" with Canada. These nation-to-nation agreements enabled us to re-establish and re-build our relationships with each government on a new and equitable footing.

The historic "Paix des Braves", or "Peace of the Braves", provided the mechanism for Quebec to meet a number of its unfulfilled obligations under the original *James Bay and Northern Quebec Agreement*. This agreement

focused on economic development. It recognized and affirmed that development taking place on our traditional lands requires our explicit consent and our involvement. This requirement for “Cree consent” has now become a mainstay for all economic development projects within Eeyou Istchee. We also now receive the equivalent of an annual royalty payment on the total value of all resources extracted from our Territory.

The “New Relationship Agreement” was concluded with Canada in 2007. The purpose of this agreement was to transfer substantial Federal responsibilities under the JBNQA to our regional Cree Nation Government, along with the financial resources to carry them out.

With these agreements in place with both levels of government, we have begun to express in very tangible ways what it means to have a “Nation-to-Nation” relationship. Our new agreements have been explicitly characterized in these terms. Simply put, these agreements affirm our authority to govern ourselves and our affairs, and our entitlement to participate in economic development within our territory.

However, progress, when it comes to indigenous rights, rarely proceeds in a straight line. For instance, in 2001, precisely at the time that we were finalizing negotiations of the “Paix des Braves”, Quebec passed legislation which had the effect of transferring critical powers over land use planning and resource management to the non-Native municipalities in the southern part of our region. This legislation, which was passed with little fanfare or media attention, excluded the Crees, despite the fact that we form the majority of the territory’s population and occupy the territory in its entirety.

This situation was not tolerable. It was contrary to the basic notion of democratic representation and contrary to a basic understanding of human

rights. We characterized this legislation as a form of “apartheid” in which a minority white population was given powers over the lands occupied by a majority aboriginal population.

Then, in 2008, former Premier Jean Charest announced the Plan Nord, or “the Northern Plan”, an ambitious plan for the accelerated development of natural resources located largely within our traditional territory. The Northern Plan would see an investment of some \$80 billion over a 25-year period to support and facilitate the development of natural resources in the North.

In 2009, we met with Premier Charest to discuss both issues—governance of the territory and the Northern Plan.

We told him that the governance of the North needed to be fixed in a very fundamental way. We told him that economic development and governance are closely tied together. If a governance regime is not aligned with demographic, legal and social realities then there is a danger that important stakeholders could be excluded from accessing the benefits associated with any economic development undertakings. This is a recipe for social unrest and represents a genuine obstacle to resource development.

We agreed to undertake negotiations to change the governance regime in northern Quebec, and to develop a governance approach which would be based on our “inclusion”. After two-and-a-half years of intensive negotiations, in July 2012 we signed an historic Governance Agreement.

Pursuant to this Agreement, the Cree Nation Government has assumed responsibility for the land use planning processes and resource management functions previously exercised by the Province of Quebec over a territory of approximately 70,000 square kilometers. At the same time, a new regional government was created which exercises land use planning powers over a territory of approximately 300,000 square kilometers. This new regional

government is comprised of representatives of the Cree communities as well as the non-Native municipalities in the region. After an initial orientation period, the representation will be based on demographic realities and democratic principles.

With this Governance Agreement we will eventually be taking over the mechanisms by which control over the territory is exercised.

Since the signing of the *James Bay and Northern Quebec Agreement* in 1975, the successive leadership of the Cree Nation has been committed to moving our people and our institutions progressively towards a greater expression of nationhood. Our recent history over the past forty years has been all about a unique kind of nation-building which has been based on our insistence on the acknowledgment and the respect for our Cree rights, our indigenous rights and our human rights.

We have incrementally and progressively put into place all the necessary tools for our nation, our communities and our people to thrive in health and security. We have been laying the foundation for the long-term sustainability of our young Indigenous Nation. We are putting into place the mechanisms by which we will once again become “masters of our own homes”.

Although perhaps not on par with receiving the *Torah* at Sinai, our Treaty has been foundational for us and it has been our bedrock. Now that we have largely secured the proper implementation of our treaty; now that we are taking our proper place in the democratic governance of our territory; now that our right to full participation in the development of our traditional territory has been properly recognized; and now that the concept of “Cree consent” and the importance of “social acceptability” of projects has become a mainstay for development in the our territory, we are ready to become full and active

participants in the rational, orderly and sustainable development of the resources on our ancestral lands.

In our own way, over the last four decades, we in Eeyou Istchee have carried out our own “quiet revolution”. It is our belief that, taken together, all our incremental gains represent nothing short of a revolution. With the *James Bay and Northern Quebec Agreement*, the “Paix des Braves”, our “New Relationship Agreement” with Canada and our Governance Agreement with Quebec, we have maintained our traditional relationship with the land and we have ensured that the land will continue to sustain us in this contemporary context. It is a revolution not only in terms of the tangible mechanisms, processes and structures of governance, but also, a revolution in thinking about indigenous rights.

We have, in our own little corner of the planet repaired hundreds of years of colonialism and we have moved to recreate our original sovereignty within a contemporary context. In our own way, we have been on a long path of *tikkun olam*, “repairing the universe”, and have deliberately worked to undo the damage done to us. And it has taken us 40 years to get there....and I cannot help but wonder if that number resonates at all with this audience.

Our experience in northern Quebec demonstrates one way—one path—for achieving concrete recognition of Indigenous rights. I want to emphasize that the progress we have made has been because we have consistently placed our rights at the foundation of our struggles, our negotiations and our agreements. We have remained alert to opportunities to exercise our rights, to advocate for our rights, to protect our rights and to give tangible expression to our rights.

It is because of this unique history that we often say that we are now poised to become the major economic and political force in our portion of northern Quebec. To realize this noble objective will not, however, be for us, the current generation, to achieve. This is the challenge of the next generation. And this is why we have been saying loudly and consistently for several years that our Cree Youth are at the absolute center and focus of our activities, our aspirations and our dreams for the future.

Over the last several years, we have put in place a major capacity-building challenge for our Cree youth. We have told our youth that in a very tangible and concrete way the future of the Cree Nation really is in their hands. We have challenged them to rise to the occasion and to make their contribution to the building of the Cree Nation.

We have challenged our youth to take on a mission of significant proportions. They have been challenged to grasp just what the mission of their generation is.....to be responsible for the future of the Cree Nation. For the future of the Cree Nation....our ability to build on the struggles, the achievements and the historic Agreements of the last forty years....our ability to create an Indigenous Nation as a model for the world....seizing the opportunity to be the major economic and political force of northern Quebec....fulfilling the vision of becoming the "masters of our destiny"....all that will rest on their shoulders. It is they who will need to learn how to manage and administer the territory.....it is they who will need to develop the technical and professional skills to take on a wide range of employment opportunities in the region....and it is they who will need to continue to be vigilant about our rights and ensure their protection.

Destiny called upon my generation to become a certain kind of pioneer. The legacy that we are leaving for the next generation is that they too must become pioneers to continue our struggle.

The journey which destiny imposed on my generation of leaders has given all of us such a high degree of meaning and purpose to our lives that, we can look back on the last 40 years in hindsight and be grateful to have had the opportunity to be part of that journey, and we are appreciative to have been called upon to make the sacrifices and to make a contribution. In spite of all the hardships, in spite of all the burdens, in spite of all the anguish and uncertainties about whether we were doing the right thing or not, the journey has been worth it. It has been worth it because we are now at a moment in our history when we will soon be handing the baton to the next generation who will be receiving an honourable legacy.

And it is precisely in this context that I am optimistic about the future of the Cree youth of Eeyou Istchee. We have challenged them to have a reason to get up in the morning and orient their lives in a positive direction with a sense of mission and a sense of purpose. We have challenged them with such enormous responsibility that they can only work to take on this sense of responsibility with clear minds and pure hearts. We have asked them to be the best they can be.

We have given our youth a JFK-type of challenge. We have told them that there are times in the history of a Nation when the right question for people to be asking is not "What's in it for me?", but rather, "How can I contribute?" There are times in the history of our Nation when the right question to be asking is not "How can the Cree Nation serve me?", but rather, "How can I serve the Cree Nation?"

How successful our next generation will be in taking on our challenge, only time will tell. But there are some things we are certain about. We are certain that healthy Indigenous development requires a serious recognition of our rights—our indigenous rights, our human rights and our treaty rights. We are certain that the translation of those rights into tangible governance mechanisms, resource development arrangements and improved living conditions can take place honourably and without the sky falling. And we are certain that the path to healthy communities, the path in the direction of “inclusion” rather than “exclusion”, and a future of engaged and positively oriented youth is possible, achievable, and indeed, necessary.

For Canada there now exists an unparalleled opportunity to redress the historic exclusion of Indigenous peoples. The opportunity is there for everyone to get right the important mix between rights, governance and development, and in the course of doing all this, to provide a positive future for Indigenous youth.

Thank you, merci, meegwetch, todah.