

Eeyou Eenou

the voice of the people

SUMMER 2006

N A T I O N



**The Grand Council
of the Crees
Eeyou Istchee**

Conservatives say they'll meet
Residential School Obligations

Washaw Sibi in negotiations
with government

Conservatives Committed to
Proceed with Cree Agreement

Helping Cree tradespeople
overcome barriers

MoCreebec Discussions Stalled

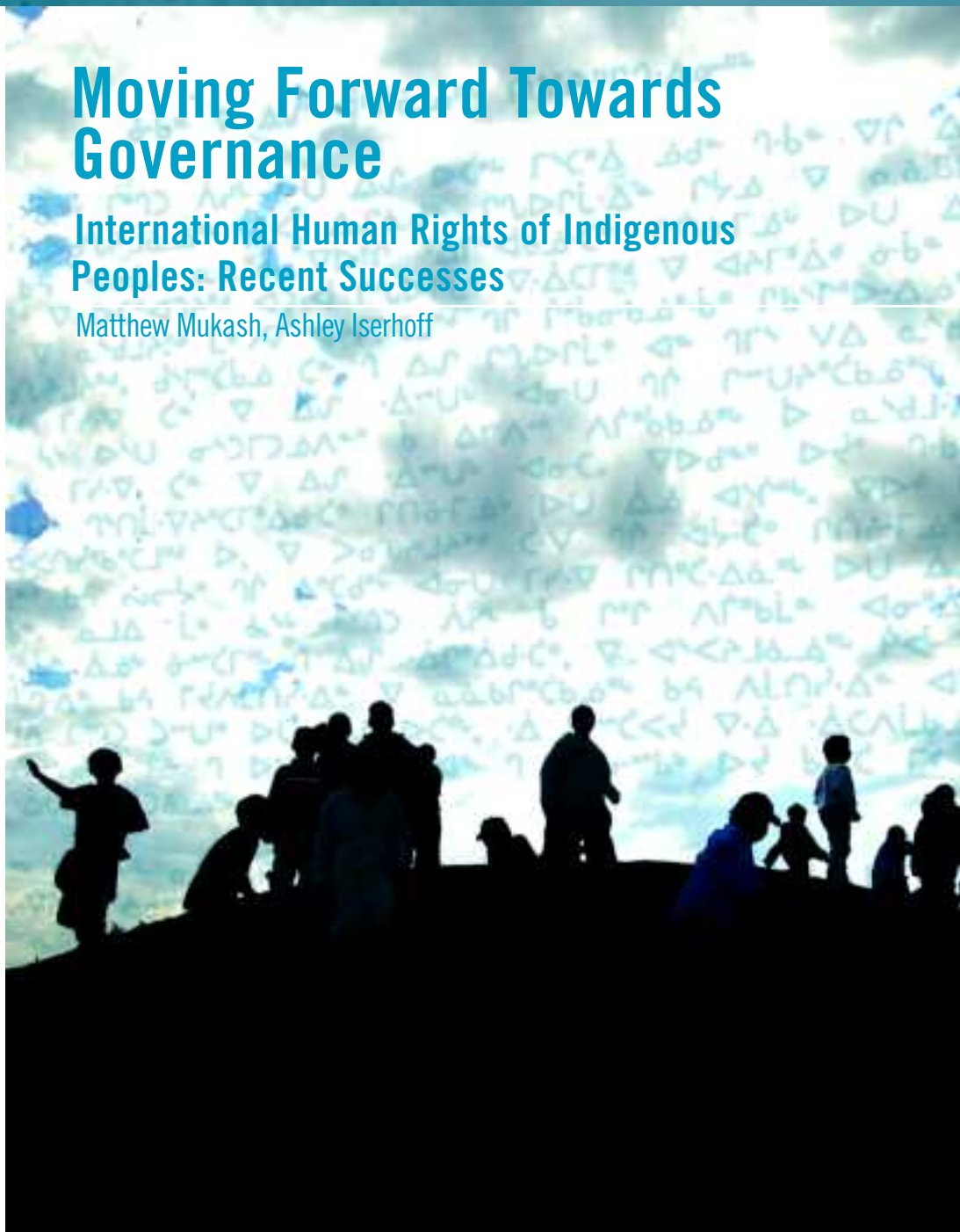
Cree Childcare and Family
Services

The Mercury Issue Related to the
Eastmain 1A/Rupert Diversion

Moving Forward Towards Governance

**International Human Rights of Indigenous
Peoples: Recent Successes**

Matthew Mukash, Ashley Iserhoff







**The Grand Council
of the Crees
Eeyou Istchee**

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A Message from the Editor

Bill Namagoose

Quebec announced its energy policy recently. I am convinced Quebec and Cree societies are learning how one must respect other peoples' culture and dignity. This is evident in the new policy. The policy states that Quebec will no longer impose projects on communities but will wait for the communities to promote hydro projects. With this as the principle, the Crees could have a de facto veto on hydro projects in Cree territory. If the policy is respected there will be no projects in Cree territory for the next 20 years, unless the Crees decide that further hydro development is in their interest.

The policy states that there must be community consensus plus an agreement on a project within the next two years or up to 2008 so that it can be built over the next 10 to 20 years. Quebec will then construct the projects the regions have proposed and agreed to terms for their construction.

But will this policy be the norm if there is an energy crisis? The test of a good policy is in whether it makes continued sense in changing circumstances.


Thirty years ago Quebec acted as a conqueror and imposed projects in Cree territory. It fostered confrontation and division and it offered minimal compensation. Quebec must now live with the legacy of the Soviet style La Grande Complexe, the source of much present day and past Cree angst.

What is evident during the recent discussions on the Paix des Braves in the Cree communities is the lack of background knowledge on the part of many Crees and others outside of our community on contemporary Cree issues. This has led to misunderstandings and division. The fact that some people see the Paix des Braves as a concession of the Waskaganish Sibi while others see it as the rescue of two rivers and thousands of square miles of land is an indication of the level of misunderstanding. Others see the loss of Cree autonomy, while some see the New Agreement with Quebec as the restoration of Cree consent in many areas. Did we fail and are we still failing to explain and teach contemporary Cree history to the Cree youth?

The Cree children that were born when the Project of the Century was announced by the Quebec Government are now in their mid thirties. They may have only heard their parents talk about La Grande Complex under construction and the future projects the Crees consented to in the James Bay and Northern Quebec Agreement, which were only subject to environmental assessment. Do they know that the Great Whale and the NBR complexes were being negotiated between the Crees and Quebec in the late 70s and early 80s and that only a recession caused Quebec to postpone them?


After its signature, Canada and Quebec refused to implement the James Bay and Northern Quebec Agreement, but yet still insisted they had the legal right to build these projects. They took the position that the Crees would have to live with their concessions whereas they were free to ignore theirs. This is one of the biggest reasons the Crees were united in their fight to stop the proposed Great Whale and NBR Projects: nobody in the Cree camp saw any advantage to accepting the continued denial of their rights

Did we as a Nation teach these pertinent issues to the Cree youth? Such lessons are necessary to enable them to lead and help direct the nation now and into the future. Did we teach them the contents of the James Bay and Northern Quebec Agreement and all the parameters of our relationship with Canada and Quebec? Did we teach the limitations on what is possible and achievable in our relations with Canada and Quebec?



Cree contemporary history is still not part of the Cree School Board curriculum. The Cree youth need to understand the background on the issues that are put forth by the Cree governments for discussion and decision. We also need to teach and understand the energy industry and use that knowledge to prepare our strategic political positions in protecting Cree rights.

All the limitations and opportunities available in our Agreements and in our rights must be understood for mature and informed decisions to be taken by our future leaders. We cannot pretend that we can do whatever we want, without taking into account the starting point, the progress that has been made to date; the tools with which we can argue and fight for improvements must be understood and accepted if they are to be added to. This is one of our greatest challenges if we are to build and continue as the Cree Nation.



Moving Forward Towards Governance

Grand Chief Matthew Mukash



Wachiya! As we finish another annual goose hunt season, I thought it would be a good opportunity to update you on what has happened over the past few months. As a leader, one of my commitments was to focus on the Cree Nation and bring the leadership to the communities. To this end, I have started community tours with Deputy Grand Chief Ashley Iserhoff. To date we have sat in on Council meetings in the communities of Waswanipi, Chisasibi, Whapmagoostui and Wemindji. The visits with local leadership allow us not only to observe what issues are of importance to each nation, also it gives the community an opportunity to bring to our attention items which they would like us to focus on for their communities or members. It is important to note we learn a lot from the meetings, local annual general assemblies, and community events which we have been able to attend in the last six months.

We were also happy to host in Waskaganish a Special General Assembly, which gave us clear direction on more issues. This past General Assembly also made us all keenly

aware of the need for a future special General Assembly concentrated on cultural development and resource development, and to help build ideas into a Plan of Action where we want to go with these issues in the future. Certainly cultural enhancement and development plans would include taking a look at language and education. Economic and resource development strategy would look into creating an environment where sustainable economic development would create economic opportunities for our people.

To further expand our commitment to political development in the Cree Nation, we continue to take steps towards a strengthening of Cree governance. We work towards a more inclusive structure to give practice to terms of self-government and self-determination. We have invited the Youth Grand Chief to attend our community visits, Council Board, Executive and Chiefs' meetings. It is our intention as leaders to work in collaboration with the Youth leadership to incorporate within our global Plan of Action, strategies and initiatives that will address youth issues.

Another aspect of our commitment to political development in the Cree Nation is the promotion of strong and harmonious relations with other governments and Aboriginal peoples. We have had a number of requests and meetings to date with Aboriginal groups wishing to create relationships with our Nation built on trust, friendship, understanding and respect. As was done in the past, we, as a Nation, build good relationships with not only those First Nations in close proximity to Eeyou Istchee, but others who we come in contact with throughout the world.

Most recently, Deputy Grand Chief Ashley Iserhoff and I have met with Quebec Premier Jean Charest to talk about issues of importance to both Quebec and the Cree Nation. We approached each other with the understanding that in the past few years, the Quebec government and the Cree Nation have engaged in a nation-to-nation relationship. We respect the openness and opportunities it has given us to work towards goals of mutual interest and benefit to our respective people. As leaders, we reaffirmed our commitment to work together to build upon a relationship with more understanding, respect, cooperation and open dialogue which will result in clarity of visions for the future, and create even stronger relations between our peoples.

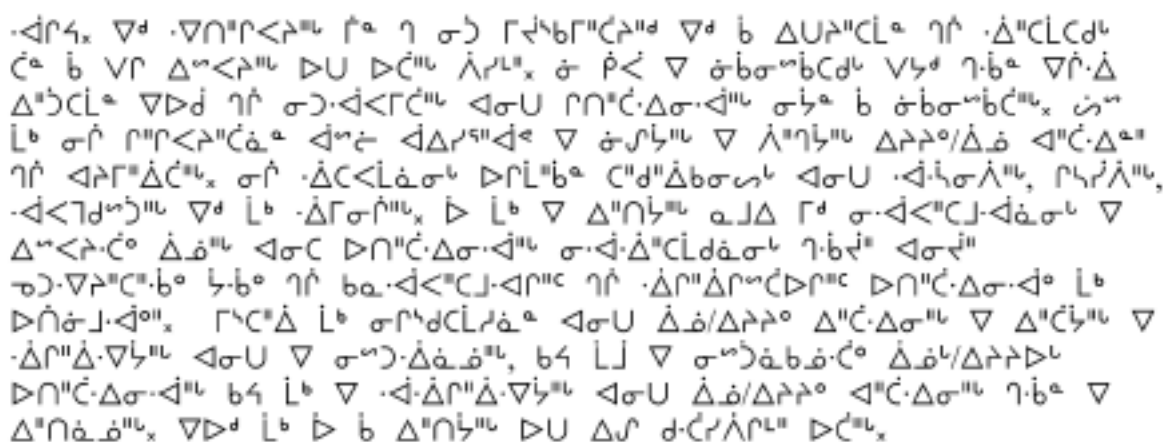
At the meeting, Premier Charest gave his support for the ongoing Cree federal negotiations as a way of creating new relations with the federal government. The meeting with the Quebec government further emphasized the need for long-term development in the North that is

based on principles of sustainable economic development. Our commitment to renewable energy projects recognizes the importance of the development of complementary alternative sources of energy such as wind energy generation. The James Bay territory is uniquely situated to house such a project in Quebec because of its geographic and structural advantage to create a wind energy project close to one of the many existing hydroelectric installations which could integrate transmission lines into the power grid. Further, the Premier reassured the Cree Nation that the Great Whale project was not on the provincial government's agenda nor is it contemplated in Quebec's new energy policy, which was unveiled to the public this spring. Since our meeting, ongoing negotiations regarding outstanding issues have progressed well.

We want to be clear that having good relations with governments does not mean that the Cree leadership will not protect our nation's treaty rights, our Aboriginal rights and title, our rights and our interests to our land and resources in Eeyou Istchee. The Cree leadership is perpetually committed in this regard, to protect all Cree interests and rights.

So much has happened in the last while, and we have set the stage for much more to happen, which will build a strong Cree government that can put into practice the principles of self-determination and self-government. In closing, I hope that you all enjoyed a safe and healthy cultural break and I look forward to meeting with you this summer.

Meegwetch!

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[illegible]

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Chief Abraham Rupert
Chisasibi

Eddie Pachano
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Member –
Whapmagoostui

International Human Rights of Indigenous Peoples: Recent Successes

Deputy Grand Chief Ashley Iserhoff



After 20 years of effort in international forums, Indigenous peoples around the globe are making huge strides towards the adoption of a *United Nations Declaration on the Rights of Indigenous Peoples*. Governments and Indigenous peoples have recently reached agreement within a UN working group on a wide range of provisions relating to our collective rights.

As a result, the Working Group Chair has proposed a text of the *UN Declaration* to be sent for approval to the new UN Human Rights Council, and then to the General Assembly to be considered for adoption. In the past two months, the Chair's proposed text has received widespread support from Indigenous peoples.

On May 22, at the UN Permanent Forum on Indigenous Issues in New York, I had the honour of presenting a Joint Statement supporting the adoption of the *UN Declaration*. The statement was on behalf of more than 100 Indigenous peoples and organizations from around the world—from Asia, Africa, Latin America, Australia, North America (including Canada) and the Arctic.

The 16 elected and appointed Members of the Permanent Forum are using the results of our joint work. They are recommending that the UN General Assembly adopt the latest text of the *UN Declaration* without amendment in the fall of 2006.

In future issues of Eeyou Eenou, we will provide you with more details on these and other new developments.

From its Formation

The Grand Council of the Crees recognized the importance in sharing Cree culture with the world, as well as the value of disseminating a uniquely Cree perspective on such issues as natural resources development, education, health care, and self-government. Thus, developing and maintaining an on-line presence was a natural choice for the Grand Council. GCC.ca first appeared on-line in 1997, as a means to “share our vision for our Nation with the world.” The Web site provided the Crees with a communications platform from which the Crees could have their voice heard on a global scale, on demand, 24 hours a day.

In the past decade, the internet has grown exponentially, and so too has the Cree Web site; initially a few dozen articles, the Web site now maintains an expanding repository of over 350 documents, with speeches, press releases, legal documents, and other articles all available on-line. The audience of the Cree Web site has also grown: from just a few hundred thousand hits in 2002 to over 4.7 million in 2005, 82 Gigabytes of information on the Crees of Eeyou Istchee has been transmitted globally in the last year alone. While the bulk of the Web site’s users come from North America,

particularly Quebec, there are hundreds of thousands of requests from France, the United Kingdom, Germany, the Netherlands, Italy, Australia, Singapore, and Japan (to name a few). The audience of the site varies from governments, academic institutions and media organizations to businesses, non-profit organizations, and individuals.



From the statistics, it is apparent that there is a strong, lasting global interest in the Crees, their culture and values, as well as their initiatives at home and abroad. The Grand Council of the Crees is committed to providing compelling content and essential information in order to fulfill these international and domestic interests, and in particular to provide the users from Eeyou Istchee with reliable information regarding the Council’s activities.

Conservatives say They'll Meet Residential School Obligations

While commitments made through the 2005 Kelowna Accord are important to all Aboriginal peoples, those sections dealing with residential school abuse are of particular significance to the Cree Nations of Eeyou Istchee. Many of our long-standing concerns—such as health, education and living conditions—are now being addressed through separate agreements with the federal government and the Province of Quebec. Also, the Paix des Braves has given individual Cree communities the autonomy and more financial resources to deal with many of the traditional problems in housing and health.

The issue of residential school abuse, however, is considerably more complex. It involves mental, psychological and physical abuse on an individual scale and the loss of

language, culture and heritage on a widespread scale.

The Cree Task Force on Indian Residential Schools, set up in late 2003 by the Grand Council of the Crees, has outlined a range of options to deal with the residential school abuse issue. Those options were discussed with representatives from all of the Cree communities at a regional conference in June 2005. In August, a preliminary report from that conference was approved; it is now being studied by the Cree communities.

At the same time, Eeyou Istchee is represented at the discussions between the federal government and the Assembly of First Nations to seek a lasting resolution of the legacy of Indian Residential Schools. The



discussions, being led by former Supreme Court Justice Frank Iacobucci, began in 2005 after the failure of previous attempts to resolve the issue. Mr. Iacobucci was expected to release his findings in the spring of 2006. In anticipation of its release, the Grand Council and the Cree Regional Authority have asked to meet with Mr. Iacobucci this fall.

While this progress towards a fair and lasting solution is welcome, the recent change in federal government has cast doubt about future Aboriginal/federal government relations, including the residential school abuse issue. Just days before the election, AFN National Chief Phil Fontaine expressed serious concerns that the Conservatives had shown “no indication of a strategic approach to the First Nations agenda.” His comments

came after top Tories questioned the fate of the Kelowna Accord, the \$5.2 billion deal reached among the federal government, the provinces and territories, and five national aboriginal groups in November 2005.

While the Conservatives have said they would honour the five- and 10-year targets in the agreement, they insist that they want to meet with the signatories to discuss the costs of meeting them.

Earlier this year, Jim Prentice, the Minister of Indian Affairs and Northern Development and the Federal Interlocutor for Métis and Non-Status Indians, addressed the residential school abuse issue in an interview with the CBC. He began by pointing out that he is involved in the issue with Beverly J. Oda, the



Minister of Canadian Heritage and the Status of Women. When she was appointed on February 6 of this year, Minister Oda was given responsibility for the Residential Schools File.

Minister Prentice outlined two key conditions to the residential school agreement. "First, there must be court approval for that agreement. Second, there must be a final agreement carrying forward on the earlier November Agreement in Principle."

Neither of those things has happened to this point, the Minister told CBC, although he maintained that the new government is working on it.

One of the key targets in the Kelowna Accord deals with a compensation plan for

residential school survivors. Specifically, it outlines a \$2 billion package for the approximately 86,000 Indian, Inuit and Métis subjected to isolation and abuse while attending residential schools run on the federal government's behalf by church organizations. While Minister Prentice, as well as Prime Minister Harper, say that the Conservative government is "prepared to honour the commitment," it is concerned with the fact that the Liberals did not put forward any plan to implement the Kelowna Agreement.

The \$5.2-billion cost attached to the accord was "floated" by then Prime Minister Paul Martin, he said, adding the Liberals never allocated that amount in their pre-election budget.

Update on the Negotiations Concerning the Settlement of the Residential School Claims

The Government of Canada approved the draft agreement between the AFN, Canada, various class action lawyers and certain other lawyers to settle the residential school claims on May 10, 2006. It had been thought that the Settlement would be finalized earlier, but the federal election caused some delays in the process. There is still a complex legal process to go through before the Settlement can be implemented and before most people obtain compensation. This means that, except for the advance payment for the elders, survivors will not be getting compensation until spring of 2007.

As you may recall, an Agreement in Principle (AIP) was concluded between the same parties in November 2005. At that time, the GCCEI/CRA approved the AIP in principle, but stated that


any final approval would be subject to consultations with the survivors.

For this reason, the GCCEI/CRA has authorized an information and consultation tour of the communities to be carried out by Matthew Coon Come and Diane Soroka. This tour will likely be taking place in June. The communities will be contacted so that a schedule can be arranged.

For your information, the following is a brief description of some of the aspects of the Settlement:

1. Lump Sum Payment

There will be a lump sum payment which is to cover compensation for language and culture loss and some physical abuse. It will only be available for people who



lived at a residential school. So, for example, it will not be available for those who lived with boarding families even if they went to classes at a residential school. On the other hand, it will cover those who lived at a residential school, even if they went to classes at other schools.

It will consist of \$10,000 for the first school year, or part of a school year, at a residential school and \$3,000 for each school year, or part of a school year, after that. The total budget for the lump sum payment (referred to as the CEP “Common Experience Payment”) is \$1.9 billion. This amount is based on an estimate of three different factors: 1) the number of survivors, 2) the average number of years each one resided at a school, and 3) the “take-up rate,” i.e. the number of people who will apply for and receive the lump sum.

Because the 1.9 billion is based on an estimate, it has been decided that if there is an excess of more than \$40,000,000 than the total amount required to pay the CEP, there will be an additional amount of \$3,000 credited to each survivor which must be used to pay for educational programs for the survivor or a family member. If the excess is less than \$40,000,000, there will be no additional payment. Instead the money will go to the National Indian Brotherhood Trust Fund and (for the Inuit) the Inuvialuit Education Foundation to be used for educational programs. The educational programs can include programs provided by various educational institutions and schools as well as those which relate to the preservation, reclamation, development or understanding of native history, cultures or languages.

This is a change from the AIP. Originally, any extra amount was to be used for healing, rather than education.

The deadline for CEP applications will be four years after the implementation date of the Settlement (that is, after the opt-out period, or any appeals). However, in exceptional circumstances, a person can apply for a CEP during the fifth year after the implementation date. After that, any one who misses deadline will be able to apply to a court in order to try to obtain the CEP.

2. Truth and Reconciliation

There will be a Truth and Reconciliation Commission with a total budget of \$60,000,000.

3. Healing Foundation

There will be money for healing (\$25,000,000 per year for five years).

4. Commemoration

There will be an amount of \$20,000,000 for commemoration ceremonies and monuments.

5. Independent Assessment Process (IAP)

Survivors who have “continuing claims,” that is claims for severe physical abuse, for sexual abuse and for other wrongful acts which caused serious psychological consequences, will no longer be able to take their claims to court. They will have to file their claims in a new process. The existing Alternate Dispute Resolution (ADR) system will be improved and replaced by what is being called the Independent Assessment Process (IAP). There have been several significant improvements to

the process. For example, under the old ADR system, people who went to schools in Ontario, Yukon or BC were compensated on a higher scale than people who went to schools in other parts of Canada. This has now been equalized and everyone will benefit from the same scale of payments for these “continuing claims.”

Physical and sexual abuse committed by one student on another may also be compensated depending on the circumstances.

In some cases, people who were under the age of 21 at the time, and who were allowed into the residential school premises by an employee at the school, can also claim compensation for “continuing claims” through the IAP, even though they weren’t students at the school or weren’t living at the school. They will not, however, be entitled to the CEP.

Other improvements have been made to the IAP system. However, it is still a complex system and most people will need a lawyer to ensure they receive the maximum possible compensation.

It should also be noted that, like the old ADR system, the new IAP system does not cover every kind of abuse and some individuals will have claims which can only be dealt with by the courts because they are not covered by the IAP process. This is important because, unless these people opt-out of the Settlement, they will lose their right to go to court and will have

no way to get compensation for those claims. However, if they do opt-out, they will not be entitled to the CEP.

The deadline for IAP applications is five years after the implementation date. After that, a person who has a “continuing claim,” and who has not filed an application for the IAP, may go to court to have his/her “continuing claim” heard, but will still not be able to have any other claim heard.

6. Mechanism

The mechanism of the Settlement will be in the form of a settlement of a class action which will be filed in nine jurisdictions:

Alberta
British Columbia
Manitoba
Northwest Territories
Nunavut
Ontario & Maritimes
Quebec
Saskatchewan
Yukon

This class action will essentially replace all the existing ones. This will be a complicated process and it will take time. Because it is a settlement of class actions, it must be approved by the courts in these nine jurisdictions. This should be finished by the end of October 2006. Notices of the Court hearings will be sent out in June and will be publicized in newspapers and on the radio as well. People can attend the court proceedings, and they can ask to be heard if they wish to oppose the settlement,



or any part of it. They can also object in writing or by telephone. The details of the process will be made available shortly.

If the courts approve the settlement, there will be another series of notices published, probably starting in November or December (the exact dates are still uncertain), to inform people that the settlement has been approved. As the notices are often difficult to understand, particular care will have to be taken to ensure that survivors understand their rights.

This second set of notices in November or December will be followed by an “opt-out” period, which, as of now, is supposed to be five months long. This is the time period that individual survivors have to decide if they want to take part in the Settlement. If an individual does not like the Settlement, and does not want to benefit from it, he or she must send a form stating that he or she wants to opt-out and not receive the payments under the Settlement. In addition, some individuals may have claims which are not covered by the IAP and it may be to their benefit to opt-out of the Settlement in order to be able to go to court for their other claims, even though this means they will not get a CEP.

Because this is such an important decision, we argued that the opt-out period should be the maximum allowed by law, i.e. six months in order to allow survivors enough time to get the advice they may need. However, other parties did not agree saying it was more important to get the payments to the survivors.

If more than 5,000 survivors opt-out, the deal will fail, and there will be no Settlement. However, Canada has the option of deciding to go through with the Settlement in any event even if 5,000 people opt-out. If fewer than 5,000 survivors opt-out, then the Settlement will take effect and the Government of Canada will start making the payments under the Settlement.

You should note that because of the complexity of the process, there will probably be no payments actually made before Spring 2007.

The one exception is that a small payment (\$8,000) will be made to survivors who are 65 years old or older. The application forms are now available and the deadline for applications for the advance payment is December 31, 2006. Note that this is an advance and it will be deducted off any other payment made to that survivor.

7. Releases

We have not been able to make any progress on the issue of the releases. Canada insists that anyone who wishes to collect the CEP (lump sum payment of \$10,000 + \$3,000) will not be able to go to court for any other claims. Instead, they will have to have their claims adjudicated in the new IAP process. If they do not file their applications for the IAP within the five year deadline, they will be able to go to court, but only for the types of claims which are covered by the IAP. If their claims are of a



type that is not covered by the IAP, they will have to choose between going to court on that claim and collecting the CEP. They will not be able to do both.

Individuals will not be asked to sign these releases—they will be “deemed releases.” In other words, anyone who is covered by the settlement (i.e. anyone who hasn’t opted out) will simply be deemed to have given a release for all claims against Canada and the Churches arising out of his/her attendance at a residential school. They will no longer have any right to sue Canada or the Churches for any claim in relation to their stay at residential school.

During the opt-out period, individuals who may have continuing claims for physical, sexual or other abuses should get independent legal advice in order to decide whether they would be better off to take the settlement or to give up the CEP (lump sum payment) and go to court. This is a complex decision and most people with this type of claim will need help to figure out their best course of action or they may end up losing rights without realizing it.

Canada may be open to the idea that an organization such as the CRA could propose a budget to the office of Indian Residential Schools Resolution Canada to help organize legal services for survivors. The CRA is working on a proposal for funding to help people obtain independent legal advice as part of a potential “Cree Agency” which

could also provide assistance for survivors on various issues included in filing their claims. This possibility is still being explored.

Update Bulletin 1

On the Settlement of the Residential School Claims

Community Consultations

This is to inform you that the GCC/CRA Council/Board has mandated Matthew Coon Come and Diane Soroka to carry out a tour of all Cree communities in order to inform and consult with residential school survivors on the content of the residential school settlement which was approved yesterday, May 10, 2006.

We will be contacting the communities to coordinate dates and to make sure people have enough notice of the consultation meetings. We hope to start the tour in a few weeks. During this consultation, survivors will be able to get the details of the proposed settlement as well as the details of the legal process which will affect their rights.

Background

Last November, an Agreement in Principle was reached between Canada, a number of churches, class action lawyers, the AFN and

independent lawyers to settle claims relating to residential schools. The GCC/CRA Council/Board gave approval in principle to the AIP but stated that any final agreement would be approved only after consultation with the survivors.

Several more months of negotiations took place. The CRA was represented at these meetings by Diane Soroka who was reporting to and working with Matthew Coon Come on this file. In addition, Grand Chief Matthew Mukash met personally with Frank Iacobucci (the negotiator for Canada) to bring forward some of the Cree concerns particularly in regard to ensuring that survivors were properly informed and that they would have adequate time to make the important decisions required by the settlement.

“Many people mistakenly think they will get a payment soon, and get into financial trouble by taking out loans or buying goods on credit.”

Update

Although the government has approved the final settlement, the legal process is not yet over. Because the settlement is an out-of-court settlement of 19 different class actions, it must be approved by courts in nine different jurisdictions. This is a complex process and it will affect the survivors' legal rights.

When Will Payments Be Made?

For most survivors, there will be no payment until 2007. Because of the complexity of the settlement process which will take at least another seven-to-eight months to complete, it is unlikely that there will be any payments made to residential school survivors until early in 2007 with the exception of the advance payment (see below). Many people mistakenly think they will get a payment soon, and get into financial trouble by taking out loans or buying goods on credit and getting into financial trouble because of it. Please advise them to be careful.

Advance Payment

There will be an advance payment of \$8,000, which will be made to survivors who were at least 65 years old as of May 30, 2005. There is an application form which must be filled out. You can get the form by calling 1-800-816-7293. It can also be accessed at the following Web site: www.irsr-rqpi.gc.ca. Proof of age, such as a copy of a birth certificate or driver's license is required. The application form has an instruction sheet to help fill out the form. This is an advance and it will be deducted off any future payment made to the individual under the settlement.

Further Information

This is just a first bulletin. We will be making further information about the settlement and the consultation meetings available in the coming days and weeks. You can also e-mail or call us with your questions.

Update Bulletin 2

On the Settlement of the Residential school Claims

As was explained in the first Update, even though the government has approved the final settlement, the legal process is not yet over. Because the settlement is an out-of-court settlement of many different class actions, it must be approved by courts in nine different jurisdictions across Canada. This process will affect the survivors' legal rights.

The purpose of this Update Bulletin is to give a brief summary of part of this process. Matthew Coon Come and Diane Soroka will also be able to explain this in more detail during their tour of the communities.

There are two parts to the legal process required to approve and implement the Settlement.

Part 1 – Court Approval

a. Why do we need court approval?

There were approximately 19 different class actions that were filed across Canada. Of

these, only one (Cloud Class Action) has been certified—that is, authorized by the Court to go ahead. There were also many individual legal actions filed as well.

Because the Settlement is an out-of-court settlement of all the class actions, legal rules require the courts to decide whether the Settlement is fair for the people on whose behalf the class actions were started. In other words, the courts have to approve the terms of the Settlement.

The settlement of the class actions also impacts the rights of people who may have filed individual legal actions.

b. When will this happen?

Originally, it was thought that this court approval process could be carried out this spring. Court dates in May and June were reserved across the country. However, there was a delay in getting Government

“The settlement of the class actions also impacts the rights of people who may have filed individual legal actions.”

agreement to the Settlement because of the federal election. The Government of Canada approved the Settlement on May 10, 2006.

Because of this delay, the court approval hearings are now being rescheduled for the end of August through to October. Not all the dates are final, but we will let you know when they are.

c. What do I need to know about this process?

In order to decide whether the Settlement is a fair one, the Courts will hold hearings. Any person with an interest in the Settlement can tell the Court what he/she thinks of the Settlement. If a person has an objection to the Settlement, he/she can appear at the hearing, either in person or through a lawyer, or he/she can write or call and explain the objection. There will be an address and a toll-free phone number provided for those who wish to make an

objection. The Courts will take all of these comments into account in deciding whether or not to approve the Settlement.

You will be getting more information on the details of this process at a later date.

Part 2 – Opt-Out Period

If the Courts approve the Settlement, the second part of the legal process begins. This is known as the “opt-out period.”

During the opt-out period, each individual class member must decide whether or not he/she wants to be included in the settlement, and to receive compensation under the settlement. In return for this, the individual must give up all his/her legal rights to sue the government and the churches that have anything to do with residential school.

If you do nothing, you will automatically be included in the settlement.

If you do not want to be part of the settlement, then you must opt-out. There will be a specific procedure to do this and it will have to be done within the time delay provided.

The opt-out period cannot start until after all the Courts have approved the Settlement. As it stands now, the opt-out period will probably not start until November or December 2006 and it is supposed to last five months. If this changes, we will tell you.

If more than 5,000 people opt-out of the settlement, Canada can decide not to go ahead with the Settlement.

Again, you will be getting more information about the opt-out period at a later date.

Summary – Where Are We Now?

At this time, we are at the beginning of the first part of the process—that is, the process to obtain court approval of the Settlement.

Within the next few weeks, you will start seeing notices in the newspapers, posted up at various public places and you will hear them on the radio. Copies of the notices will be sent to all aboriginal communities across Canada as well as to friendship centres, regional organizations and other similar groups. These notices will be the official beginning of the court approval process. Some of you may also get notices in the mail.

The notices will tell you that there is a proposed Settlement. They will tell you the dates of the court hearing in each province and what to do if you want to object to the Settlement.

There will be two different forms of the notice. One is very short (one page) which gives you a very brief summary of the Settlement and the court approval process. There is also a more detailed notice (about 11 pages) which contains more information for those who wish to know more. The notices will also refer to a Web site and a toll-free number for those who want more information or who have questions.

The notices, and the Web site and toll-free number contained in the notices, are not being set up by the GCCEI/CRA—they are part of the official court process and are being run by third parties who are not parties to the litigation or the Settlement.

Additional Information

We will continue to post additional update bulletins at this Web site. The community information/consultation tour is being planned and we should be able to announce the dates shortly. Matthew Coon Come and Diane Soroka will be able to give you more information about the Settlement and the legal process at the community meetings. They will also be looking for your feedback on the Settlement.

Washaw Sibi in Negotiations with Government



Negotiations are underway to address the concerns of the Washaw Sibi Eeyou. Forced to leave their traditional land more than 50 years ago, the Washaw Sibi have long sought talks with the federal and provincial governments to correct the historical injustices that threaten their language and culture. Last summer, some 300 members of the community conducted a dramatic march back to their traditional territory to protest a lack of progress in addressing their plight.

Now, Raymond Chrétien, appointed by the Government of Canada in 2004 to undertake negotiations with the Grand Council of the Crees, and his Cree counterpart, Bill Namagoose, have agreed to address the Washaw Sibi issue as part of the Cree/federal negotiations.

The Grand Council believes that the success of the Cree/federal negotiations in general, and the Washaw Sibi issue specifically, will ultimately depend on the willingness of the new federal government to proceed with a solution.

The Grand Council of the Crees recognized the Washaw Sibi as the 10th Cree community about three years ago. The newly elected Grand Chief, Matthew Mukash, has met with Washaw Sibi representatives several times since his election last year and has been constantly updated on their position. He says he is anxious "to see them get a community so that they can have peace of mind and start developing as a nation."

Conservatives Committed to Proceed with Cree Agreement

The new Conservative Government is proceeding with implementation of a new Agreement negotiated with the Crees of Eeyou Istchee. The Kelowna Agreement appears to have been shelved for the present, but the Conservative Government is proceeding in ways which, in respect to the Crees, address some of the issues set out in Kelowna. Treaty implementation was a Kelowna issue as was the issue of residential schools (also reported in this issue of Eeyou Eenou).

Education is now under the Cree School Board and health issues are under the Cree Board of Health and Social Services so these aspects of Kelowna were largely already covered for the Crees by the 1975 James Bay Agreement. There is still federal involvement in adult training and in many aspects of preventative health and in some social programs. Moreover, the James Bay Treaty sets out federal commitments to Cree economic and community (including housing and infrastructure) development, justice and policing and environmental and social protection as well as Cree governance and other matters.

The Crees of Eeyou Istchee have a situation as a result of the James Bay Agreement that is different from that of other aboriginal communities in Canada. New initiatives to meet the Kelowna or other future agreed-to

commitments decided by national leaders will in the future be important to the Crees also, but the key issue is still to ensure that what was promised in 1975 is delivered by Canada to the Cree People. The 1975 treaty itself addresses many of the program and service delivery issues that were part of the Kelowna Agreement.

A final Agreement on the implementation of the Federal Obligations in the James Bay and Northern Quebec Agreement has largely been negotiated that calls for: immediate implementation of Treaty rights, the resolution of long outstanding issues and processes for the resolution of more complex issues involving Cree Nation Governance and Washaw Sibi communities. The new Conservative Government has clearly expressed its commitment to proceed and to succeed with the Cree Agreement. ***The Agreement is in its final stages of approval with the Federal Government, having been already approved in principle by the Grand Council of the Crees.***

The Kelowna Accord Compared at a Glance with the New Cree Agreement with Canada

- Implementing all of the recommendations of the House of Commons Standing Committee on Aboriginal Affairs to expedite the settlement of claims—**part of the New Agreement with Canada**



- Supporting the development of individual property ownership on reserves, to encourage lending for private housing and businesses—**part of the New Agreement with Canada**
- Allowing Aboriginal parents to choose the schooling they want for their children, with funding following the students—**education already under the Cree School Board**
- Replace the Indian Act (and related legislation) with a modern legislative framework which provides for the devolution of full legal and democratic responsibility to Aboriginal peoples for their own affairs—**Indian Act already replaced by the Cree/Naskapi Act and other governance initiatives are part of the New Agreement with Canada**
- Pursue settlement of all outstanding “comprehensive claims” within a clear framework that balances the rights of aboriginal claimants with those of Canada—**part of the New Agreement with Canada**
- Adopt measures to resolve the existing backlog of “specific” claims so as to provide justice for Aboriginal claimants—**part of the New Agreement with Canada**
- Recognize the contributions of Aboriginal veterans, and redress 60 years of inequity by acknowledging the historic inequality of treatment and compensation for First Nations, Métis, and Inuit war veterans—**still outstanding**

- Exempt the department of Indian Affairs from the spending growth cap to be imposed on federal government departments—**still outstanding**

The following specific pledges are included:

- Closing the educational gap so that by 2016, the high school graduation rate for aboriginal students is the same as other Canadians—**education under the Cree School Board**
- Closing the housing gap on First Nations reserves by 40% within five years and 80% within 10; additional housing would be provided for Indians living off-reserve and for Inuit in the Far North—**part of the New Agreement with Canada**
- Providing better safe drinking water on reserves by building new water treatment facilities on reserves and create a regulatory regime to ensure clean drinking water—**part of the New Agreement with Canada and are already under the Cree/Naskapi Act**
- Reducing infant mortality, youth suicide, childhood obesity and diabetes by 50% in 10 years by doubling the number of aboriginal health care workers—**Health under the Cree Board of Health and Social Services**
- Improving delivery and access to provincial health care and establishing preventative health measures on native reserves—**ongoing by the Cree Board of Health and Social Services**

Helping Cree Tradespeople Overcome Barriers



While the number of Cree tradespeople in Eeyou Istchee continues to rise, many are finding it difficult to find jobs outside of their own communities. The reason is painfully simple, says Michael Petawabano, Coordinator of the Territorial Programs Initiative for Cree Human Resources Development of the Cree Regional Authority (CHRD).

“Skilled workers require union cards from the Commission de la construction du Québec (CCQ) if they want to work outside of their communities,” says Michael. “Unfortunately, despite the fact the CCQ provided an extension for Aboriginal tradespeople, most Cree workers have not yet obtained their union cards.”

Of the estimated 500 Cree tradespeople in the territory (CHRD believes the number may be significantly higher), the CCQ says

only 176 Cree have obtained their union cards. While this number is up from previous years—132 in 2004, and 168 in 2005—it still means hundreds of workers are missing out on meaningful employment opportunities.

CHRD’s Abel Trapper, who works closely with individuals interested in obtaining union cards, says some progress is being made. “As recently as 2003, fewer than 30 Cree workers had union cards,” he points out. “We just think it’s important to speed up the rate of progress.”

With that in mind, CHRD representatives toured every Eeyou Istchee community in 2004–2005 to increase awareness of the union card requirements. “We distributed basic application forms and (with the help of the Cree Regional Authority) identified



individuals in each community who could assist those who had questions or required more information,” says Michael. They also distributed material, provided by the CCQ, such as application forms, and brochures describing the various opportunities in the trades.

CHRD’s role also includes covering a portion of apprentices’ salaries during their integration into the labour market. For example, CHRD contributes to the wages of Thomas Awashish, now an apprentice mechanic with the Cree Construction Development Company. It even contributed to Thomas’ initial training on the Heavy Machinery Mechanic Course he completed with the Cree School Board.

At the same time, CHRD strives to make individuals aware of the need to get their union cards and works with employers to make sure Cree workers have every opportunity to get the hours required to complete their apprenticeship programs.

“Unfortunately,” says Michael, “Cree workers have had difficulty passing the exams for certain trades. In fact, only heavy machinery operators have been able to obtain their journeyman cards recognizing them as qualified operators.”

Michael and Abel cite a number of roadblocks to Cree workers getting their cards. “Sometimes, the individual does not see how important it is—their focus is on the earnings,” says Michael. “Often, there’s a lack of information or awareness within the individual community.” There’s also a generational gap, with the older generation simply not wanting to bother with the process. Still others object to the process because it means they can perform only one trade at a time.

Despite the obstacles, Michael and Abel remain confident that more and more skilled Cree workers will see the benefits of obtaining their union cards.

Doing all he can to make his dreams come true

Profile: Keith Bearskin

Keith Bearskin always knew what he wanted to do for a living. “Even when I was a kid,” says the 35-year-old Chisasibi resident, “I was fascinated by the power of machines. I just knew that, one day, I’d be working with machines on a full-time basis.”

Today, Keith is living his childhood dream. He is a journeyman in two trades, having earned his bulldozer certification in 2004 and his shovel certification in 2005. He’s also thinking about another dream—that of owning and operating his own excavating company in Chisasibi—and what it will take to make that particular dream come true. He’s sure of one thing: it won’t be easy. Nothing has been since he walked into the local employment centre, while still in his early 20s, and said that he wanted to work with heavy machinery.

“With the help of the Cree School Board (and Cree Human Resources Development) I enrolled in a heavy equipment course just outside of Quebec City,” he recalls. The course ran for four months, broken down into two separate sessions. For Keith, it meant being separated from his family for the first time. Although the sacrifice was worth it—he emerged from the course with his apprenticeship—he says the hard part was really just beginning.

“It took me three months to find work. Employers wanted people with experience and I didn’t have any. I told them that people don’t just wake up with tons of experience, that you have to be given the opportunity to earn it, but it still took awhile to open some doors.”

When he did finally get a job, it was as a truck driver. And he got it only because he was willing to work out of town. Still, he says, it was a beginning. “I also got my CCQ card. With that card, there were more job opportunities, higher wages and better benefits.”

The union card solved a lot of problems, as it has for many Cree workers in the James Bay region, but Keith thinks it’s only a beginning. “I still know what it’s like to wait for work,” says the father of four. “I know that in the communities, there’s still an emphasis on hiring people who charge less. And I believe that Cree construction companies can, and should, do more to make it easier for Cree workers to find employment.”

That said, Keith Bearskin makes it clear he has no regrets. The help he’s received, the advantages he’s enjoyed since joining the union, the opportunities he’s been given—all give him hope that his dreams, and the dreams of others like him, will one day come true.

"The best decision I ever made."

Profile: **Thomas Awashish**

Less than five years ago, Thomas Awashish made the first of two key decisions that would change his working life forever.

Employed as an unskilled labourer at a fishing camp near his hometown of Mistissini, the 18-year-old realized that unless he acquired a skilled trade, his future would consist of one meaningless job after another. Without an education—and a firm commitment to acquire that education—there would be no advancement, no opportunity for growth, no chance for long-term success.

Fortunately, Thomas had heard about an adult education program. A keen amateur mechanic—he spends hours working on and repairing snowmobiles and cars—Thomas decided to enroll in a mechanics course through the program. "It's the best decision I could have made," says Thomas, now 23. "It opened the door to opportunities I never knew existed."

It also led to the second key decision he made for his career: joining the union.

Today, Thomas is an apprentice mechanic working on the Eastmain Hydro Electric Project (EM-1). He's been a mechanic apprentice for four years and a union member for three. Not only has Thomas

worked consistently during that time, he says he's had the opportunity to acquire additional skills to make him an even more valuable employee.

"If getting a skilled trade was the best decision I ever made, certainly joining the union was the second best," says Thomas. "Without a union card, I could not have worked on EM-1 or any other place where CCQ union cards are required. Now, I get to work on heavy equipment such as loaders, graders and shovels, I've made new friends, I've learned—or I should say, I'm learning—to speak French, and I'm learning new trades." In fact, with the help of his employer, he's completed an air conditioning repair course and a dump truck repair course.

"I'm only about 1,000 hours, or about six months, away from becoming a journeyman," says Thomas. "That would not be happening if I had not joined the union. You take the wages, the benefits and the opportunities to learn, and it's easy to see why people make the decision to get their union card."

As for the future, things certainly look a lot brighter than they did five years ago, says Thomas. "I'm looking to try new things, to increase my knowledge and to enhance my skills, hopefully in the area of hydraulics, something I've always been interested in."



MOCREEBEC

DISCUSSIONS *Stalled*

For reasons inexplicable to the Grand Council of the Crees (Eeyou Istchee), “MoCreebec” Plaintiffs in the legal proceedings instituted against Canada, Quebec and the GCCEI recently announced that they see no reason to meet GCCEI representatives.

The Council-Board, at its December 2005 meeting, created a MoCreebec Task Force composed of Paul Gull, Philip Awashish and Chief Robert Weistche for the purpose of opening and conducting discussions with MoCreebec with a view to addressing their concerns. The Council-Board has also mandated legal counsel to seek a suspension of the proceedings to allow the parties to discuss a mutually amicable solution.

Indeed, during the course of the month of November 2003, the “MoCreebec Council of the Cree Nation” and other individuals initiated a court action before the Quebec Superior Court in the judicial district of Montreal. The Grand Council of the Crees, the government of Canada and the

Government of Quebec are named as Defendants in these legal proceedings.

Plaintiffs in this case reside on the Ontario side of the border, in Moose Factory and Moosonee. They claim that the JBNQA “ten-year clause” is discriminatory in their respect. The purposes of their action are twofold. First, a share of all benefits under the JBNQA and the New Relationship Agreement with Quebec is sought for MoCreebec. Second, MoCreebec wishes to vote in elections involving the Quebec Crees.

The proceedings raise important questions for the Crees, including the issue of the prevalence of the terms of the JBNQA over rights and freedoms clauses contained in

the Canadian Constitution and in Quebec legislation which can be changed unilaterally by a non-native government. Can such government instruments be used to allow a party to challenge the provisions of a Treaty? Can groups or individuals other than Cree groups or individuals raise similar arguments to contest other Cree rights and benefits, such as the right to be exempted from taxation, whether they are provided for in the Constitution or other types of legislation? These questions demonstrate the importance of the matter raised by the MoCreebec proceedings.

The “ten-year clause” is part of the JBNQA treaty, and until and unless amended by the parties to the JBNQA in political processes, the position of the GCC(EI) is that this paragraph is part of the treaty and must consequently be applied and respected.

A subsequent claim from MoCreebec against the GCC(EI) to cover its legal fees and expenses was rejected by the Superior Court of Quebec by judgment dated March 30th, 2005. Examinations, or interviews with the parties filing the court action or cited in their claim were also conducted. Since then, Quebec, Canada and the GCC(EI) have filed their respective defences to the action in the month of February 2006.

Canada’s position in its defence is that the terms of the JBNQA should be upheld by the Courts and that the JBNQA applies territorially, to the lands under the JBNQA. In its defence arguments, Canada goes back to the context of the negotiations leading to the JBNQA and explains its position on how

the “ten-year clause” came about. Canada then denies that the Plaintiffs are suffering from discrimination as a result of the “ten-year clause.” Quebec also argues that the JBNQA applies territorially. It also argues that it holds the Cree register based on the information received from the communities and that in any case, the Plaintiffs are not discriminated against.

The GCC(EI) argues in its defence that the “ten-year clause” is part of the negotiated compromise set out under the eligibility chapter of the JBNQA, that it has raised discussions within the GCC(EI) itself and its membership, and that opinions vary as to what revised negotiated compromise, if any, should be sought in regard to eligibility status under the JBNQA. The GCC(EI) also argues in its defence that this matter is a political issue to be dealt with through negotiations and discussions and not a legal issue for adjudication before the courts. However, since the Plaintiffs have sought to have this issue addressed by the courts, the GCC(EI), as a signatory to the JBNQA, has no choice but to defend itself and to uphold the negotiated compromise reached with governments over 30 years ago, while remaining open to seek negotiated changes to the JBNQA should both Quebec and Canada agree to such negotiations. Having said that, the GCC(EI) sets out its legal position in its defence which is not intended to prejudice any different position the GCC(EI) may eventually take in negotiations concerning any eventual amendments to the eligibility requirements of the JBNQA. Such legal positions include the following arguments: aboriginal and treaty rights



have geographical limitations, various arguments are made related to the background historical context, the migration of certain Eastern James Bay Crees to Moose Factory, the creation of the MoCreebec Association, the historical context of the JBNQA and other arguments to the effect that the guarantees of the Charter shall not be construed so as to abrogate aboriginal, treaty or other rights or freedoms of the Crees.

To deal with the directive to suspend the proceedings in order to allow the parties to seek a mutually amicable solution, GCC(EI) legal counsel had agreed with Plaintiff's legal counsel that there should be no active proceedings between the filing of the defences in February and the end of the month of April 2006. The Court has also agreed to this. The discussions therefore started in March 2006. For the GCC(EI), the discussions were aimed at exploring realistic and pragmatic solutions with respect to the situation of MoCreebec, given the present legal, political and financial context. Discussion documents were exchanged between the parties.

Whether or not MoCreebec is right in its claim, one issue which was envisaged to be discussed between the GCC(EI) and MoCreebec was of course whether past and future payments by Canada or Quebec to the

Crees for compensation, and for community and Cree entity operations were and will be sufficient to cover any costs or claims made by the Mocreebec Association against the Grand Council. The parties have agreed that such discussions were to be held on a without prejudice basis and that they cannot be invoked as part of the legal proceedings.

However, for reasons inexplicable to the GCC(EI), MoCreebec representatives have announced, almost two months after the initial meeting and after only one meeting, that they are not ready to continue the discussions without a substantive offer at the outset of the discussions. For them, the GCC(EI) discussion paper was an obstacle. MoCreebec did not however indicate what pragmatic solution they are seeking. In other terms, they never expressed clearly what they want: What are they proposing as a solution for their grievances? For its part, the GCC(EI) indicated to MoCreebec that the discussion paper was a first step to identify avenues of solution.

Although unfortunate and in light of these difficulties, it is probable that this case, involving Crees suing Crees and non-native government, will go to trial unless a better discussion context arises. The GCC(EI) will have no choice but to take all required measures to defend its Treaty.

Where there is SMOKE



Trappers who remained out in the bush this past icy February may have witnessed a rare sight—government officials burning illegal cabins. For several days in February, members of the Ministry of Natural Resources and Wildlife (MNRW), Public Lands Branch, were out in helicopters flying from one cabin burning to the next. In total about 50 illegal non-Aboriginal cabins or structures were burned throughout the southern part of Eeyou Istchee.

All of the cabins that the MNRW burned this winter were posted as illegal last winter. Since then, the owners of these cabins have had seven months to come forward and identify themselves. The MNRW indicates that no claims were made on the 50 or so cabins that they burned.

The practice of burning cabins stems from the work of the Coordination Table on Access to the Territory, which was created through the Paix des Braves Agreement in 2002. Since its inception, the Access Table

has been examining many of the problems created by unregulated access to Cree traplines. One of these problems has been the proliferation of legal and illegal cabins during the expansion of the forestry road network. To safeguard Cree traditional activities, the members of the Access Table set out interim criteria to control the number of legal cabins. Since then, the MNRW has established an annual process to identify and remove illegal cabins within the southern part of Eeyou Istchee.

To be sure that no Cree cabins were mistakenly burned, the Local Joint Forestry Working Group in each community affected was asked to review the list of cabins targeted for removal and to double check with the Tallymen to ensure no mistakes were made. The Cree Forestry Joint Working Group members have been instrumental in this process, helping the MNRW identify the illegal structures and cross-checking the cabins slated for destruction. A big thank you goes out to all who participated.



Cree Childcare and Family Services

Since 1995, the Cree Regional Authority, through the Cree Childcare and Family Services Committee, has helped to organize CEGEP level training for childcare educators.

Training child care educators allows the Cree childcare system to better respond to the needs of both young children and their parents. Having trained educators helps ensure that young parents can continue to return to school and that families and children at risk have the support they need.

Each community has had its own childcare centre since 1997, but many of the

communities initially had a shortage of staff that were professionally trained in childcare. The Early Native Childcare CEGEP Training Program will help to ensure that there are enough trained staff to provide services and programs to the growing number of young children in Cree communities.

In 2005, this training program for childcare educators was offered in combination with the CEGEP de St. Félicien. The program was delivered in the communities, and was tailored to Cree needs.



The Early Native Child care CEGEP Training Program took place in eight communities this year, and more than one hundred students were enrolled. The CEGEP de St. Félicien engaged four First Nations teachers, two of whom are Cree, to teach the program.

Twelve graduates finished the CEGEP Training Program in Eastmain in July 2005. A second class graduated in Chisasibi in October 2005, and a third class graduated in Nemaska in February 2006.

Graduates were congratulated by Grand Chiefs Ted Moses and Matthew Mukash, and by Deputy Chief Ashley Iserhoff, for their dedicated work in finishing the program, and for their commitment to create positive and safe surroundings for children.

The Cree Regional Authority Child and Family Services Department was created in January 2005. Its responsibilities include childcare and management of the childcare centres, as well as overseeing the training of staff for the centres. The Child and Family Services Department offers integrated services to children and families, and has developed its services further as the Department has been in operation to respond to the concerns of parents.

Beyond childcare services, the Cree childcare centres also manage the First Nations Head Start Program, the School Age Program, and the Fetal Alcohol Spectrum Disorder Awareness Program.

The Cree childcare centres are already known to provide quality services that target the harmonious development of



the child. The centres are also known for providing a caring and educational environment that supports learning, socialization and the acquisition of skills, while respecting Cree language and culture.

Most of the graduates of the Early Native Childcare CEGEP Training Program will go on to full-time employment at the childcare centres. Many construction projects took place in 2004–2005 to expand the number of spaces available in the childcare centres. The graduation of the July 2005 Eastmain class coincided with the opening of the new Waseyapin Childcare Centre in Eastmain, which has 70 spaces.

The Awash Childcare Centre in Mistissini expanded the Amanda Centre in Mistissini from 58 to 80 spaces, and built a third facility called the Marian Centre. Mistissini now has a total of 240 daycare spaces available.

A second facility was constructed at the Awash Shiishiikun Kamik Childcare Centre in Waswanipi, which added 80 new childcare spaces and brought the Centre's capacity to 160 spaces.

A second facility with 80 spaces was also added to the Waasekun Childcare Centre in Waskaganish, giving the centre 160 spaces

The Child and Family Services Department is also looking at the possibility of offering home-based child care services, although this cannot happen until the housing shortage can be resolved.

for children. The She She Guin Childcare Centre in Nemaska was extended from 38 to 68 spaces.

An expansion was also planned for the Anjabowa Childcare Centre in Chisasibi that would extend the first facility from 49 to 80 spaces and construct a third facility with 80 spaces. But this project was postponed to Summer 2005, as was the construction of a second facility for Kanawhymigoo Childcare Centre.

The Department wanted to provide 1,208 spaces for children in the childcare centres by 2006, and this goal has been reached. The nine childcare centres now employ more than 400 Cree people, most in permanent full-time or part-time positions.

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Trying to Keep Business Travel Closer to Home

Every year, representatives of Cree businesses and organizations meet to discuss their operations, their progress and their plans for the future. In almost every case, they choose to meet outside of Eeyou Istchee, most often in major centres like Montreal or Val d'Or.

There are several reasons why James Bay communities have failed to retain more group and business travel. For example, for board members and executives from the Cree communities, meeting outside of the immediate area means access to more amenities, a chance to shop, or to visit family.

Another consideration is accommodation and meeting space. While the Mistissini Lodge has attracted some group and business travel since opening three years ago, it is one of the few Cree facilities in a position to host larger groups. Many of the communities simply don't have enough accommodation or meeting space at the moment. And, even when there is sufficient space, it is often booked by community groups and organizations.

Despite these hurdles, efforts are being made to keep business meetings—and the accompanying revenue—in Eeyou Istchee. This is completely in line with the vision



put forward by Grand Chief Matthew Mukash that more Cree business and activities be conducted within the Cree communities.

Robin McGinley, executive director of the Cree Outfitting and Tourism Association, says COTA shares the Grand Chief's vision. Her organization welcomes any opportunity to play a role in efforts to increase business travel and activity. She feels it's important to begin by surveying Cree business travellers, to find out exactly what they want and need to hold their meetings and conventions in one of the area's nine communities.

Services, such as hotels and restaurants available in the communities, are currently listed on the COTA Web site (www.creetourism.ca). In addition, COTA welcomes any additions or updates. Simply contact them at 1-888-268-COTA. In the meantime, the Grand Council has compiled a database of existing resources in the area. Their hope is that by making business travellers aware of the facilities now available, at least some will choose to stay closer to home for their next meeting.

The Mercury Issue

Hydro-Québec

Sources of Mercury

Mercury can be released into the environment naturally, by volcanoes and forest fires, or by human activities such as coal burning and garbage incineration. In the James Bay region, mercury comes mainly from transport through the air over long distances, and falls into lakes and forests with dust particles and rain. Once it is in the lakes and rivers, this mercury is converted by bacteria into a form of mercury that is easily taken up by live organisms. This form of mercury can become toxic in high concentrations.

Mercury and Reservoirs

The green part of plants and forests flooded by the creation of hydroelectric reservoirs provides food for bacteria. These bacteria convert the mercury found in the green part of plants to the form of mercury that is

easily taken up by aquatic organisms. As a result, the fish in reservoirs (and downstream from them) contain more mercury shortly after flooding. The increase is not permanent, however, since the green part of the plants is rapidly depleted.

Mercury in Fish

The quantity of mercury increases as it passes from plankton (small plants and animals living suspended in the water) to aquatic insects and on to fish. Fish, such as pike, walleye and lake trout, that feed mainly on other fish therefore contain more mercury than fish that mainly eat insects, such as lake whitefish and speckled trout (brook trout). In addition, mercury accumulates throughout the fish's life. Consequently, the older and bigger the fish, the more mercury it contains. Note that the fish in all of Quebec's lakes and rivers also

contain mercury. In the James Bay region, results of monitoring over more than 16 years suggest that fish mercury levels are stable in natural lakes.

Falling Mercury Levels

Extensive monitoring has shown that mercury levels in most fish species of the modified water bodies of the La Grande Complex, such as the reservoirs and diversion areas, have returned to levels typical of natural lakes.

Mercury and Health

In humans, the main source of mercury is fish consumption. All people who eat fish have some mercury in their bodies, but the concentrations are generally low and not harmful for health. However, pregnant women should limit their mercury exposure, as the nervous system of the developing fetus is particularly sensitive to the toxic effects of mercury. In adults, very high doses of mercury can affect the nervous system and lead to problems with motor coordination, as well as sight and hearing loss. Studies carried out in Quebec have shown that mercury exposures in sport fishers are well below these levels. Among the James Bay Cree surveyed in 1993–1994, mercury exposures were also generally below the levels associated with harmful effects. More recent data from the communities of Ouje-Bougoumou and Nemaska show that the current exposure to mercury of the Cree of these communities is comparable to that of sports fishers elsewhere in Quebec.

Despite the presence of mercury, everyone can eat fish on a regular basis and benefit from its high nutritional value by following the recommendations presented in “The Northern Fish Nutrition Guide” that has

been produced in collaboration with the Cree Board of Health and Quebec public health agencies and has been distributed to all Cree families.



Fish has many desirable qualities. More and more, medical research is demonstrating the health benefits of certain nutrients contained in fish. In addition to being a major source of omega-3 fatty acids, selenium, vitamin D and protein, fish is low in fat, particularly saturated fat, and in cholesterol. These nutritional qualities are in keeping with current dietary recommendations in favor of lower-fat sources of protein. A number of health organizations recommend eating fish two or three times a week. All things considered, fish is a high-quality food and goes hand in hand with a wholesome diet that contributes to health and well-being. This guide suggests some fish recipes that are low in saturated fat and will help readers enjoy the benefits of eating this healthy food.

Precaution for Pregnant Women

Quebec public health authorities recommend that women who are pregnant, who may soon become pregnant, or who are breastfeeding eat two meals per week of low-mercury fish only (coloured in green). In this way, their mercury exposure will remain below safe levels and their babies will benefit from the nutrients in fish that help brain development. In the James Bay



Territory, low-mercury species include lake whitefish, brook trout or any species of coastal fish.

Main Nutrients Found in Fish

Protein: Proteins are the building blocks of the human body. They enable the body to build and repair all its structures (muscles, hormones, genes).

Vitamin D: Vitamin D is necessary for keeping the calcium and phosphorus in the blood at levels that allow bones and teeth to grow and remain healthy.

Minerals such as iron, magnesium, zinc and potassium: These minerals are essential for good health and help the body grow and function properly.

Selenium: Selenium is an essential mineral that has antioxidant properties. It may play a role in preventing heart disease and cancer, and may also reduce the effects of mercury.

Fats: There are types of fats that are essential for good health, such as unsaturated fatty acids, and types that have harmful effects when they are consumed in excess, such as saturated fatty acids. Compared with other sources of animal protein, like beef, pork and cheese, fish is low in total fat and in saturated fatty acids. The types of fish included in table 1 all contain less than two grams of saturated fatty acids per serving of 230 g (8 oz). Fish also have very little cholesterol and contain high-quality omega-3 fatty acids.

Omega-3 fatty acids: The primary sources of omega-3 fatty acids are fish, shellfish and marine mammals. These fatty acids offer protection from heart disease and may help reduce inflammatory disorders, certain cancers and disorders of the nervous system.

Table 1: Comparison between fat composition in store-bought and bush food.

Food Type	Fat Composition		
230 g or 8 oz portions	Total Fatty Acids	Saturated Fatty Acids	Omego-3 Fatty Acids
Fish			
Northern pike	1.2 g	0.3 g	0.5 g
Lake whitefish	2.0 g	0.5 g	0.7 g
Speckled trout	2.6 g	0.7 g	0.7 g
Walleye	2.6 g	0.6 g	0.9 g
Lake trout	6.2 g	1.5 g	1.4 g
Wildfowl			
Black duck	2.4 g	0.5 g	0.2 g
Canada goose	2.5 g	0.7 g	0.2 g
Common loon	2.4 g	0.7 g	0.2 g
Herring gull	4.6 g	1.4 g	0.1 g
Willow ptarmigan	2.0 g	0.6 g	0.1 g
Black scoter	3.7 g	1.1 g	0.3 g
Game			
Moose	0.7 g	3.4 g	Not Available
Caribou	0.2 g	1.3 g	0.2 g
Store bought food			
Medium ground beef	46 g	17.8 g	0.1 g
Chicken (meat only)	7.1 g	1.8 g	0.2 g
Chicken (meat and skin)	15.1 g	4.3 g	0.3 g

Fish Consumption and the Proposed Eastmain 1A/Rupert River Diversion Project

As for the reservoirs of the La Grande complex, the construction of the Rupert diversion bays will cause significant but temporary increases in mercury levels in fish. Studies at the La Grande complex and in other parts of Quebec and Canada have shown that

populations of fish, as well as fish eating mammals and birds are not endangered by these increases in mercury levels.

There are however potential health risks for the fish consumers. Although mercury will also increase slightly in the water of the areas affected by the project, levels will remain very low and pose no threat



whatsoever to health. For people, as for fish eating wildlife, exposure to mercury comes essentially from fish consumption.

FISH CONSUMPTION GUIDE <small>Based on the World Health Organization fish consumption recommendations</small>	
COLOR CODE	CONSUMPTION
Green	Unrestricted
Yellow	Regular
Orange	Occasional
Red	Not recommended

The experience acquired with other projects at La Grande and on Quebec's North

shore, shows that the temporary increase of mercury levels in fish following reservoir impoundment can be managed in such a way to prevent any risk to human health. For natural lakes and rivers, fish consumption guidelines have been established with local public health authorities, such as the Cree Board of Health and Social Services of James Bay (CBHSSJB) to ensure that exposure to mercury remain well below safe levels. These consumption guidelines, presented in the form of a color code, recommend a consumption rate corresponding to mercury levels in the fish. Fish coloured in green may be consumed without restriction.

In natural lakes and rivers, as well as on the Coast of James Bay, there is usually no restriction on the consumption of suckers, lake whitefish, brook trout and sturgeon.

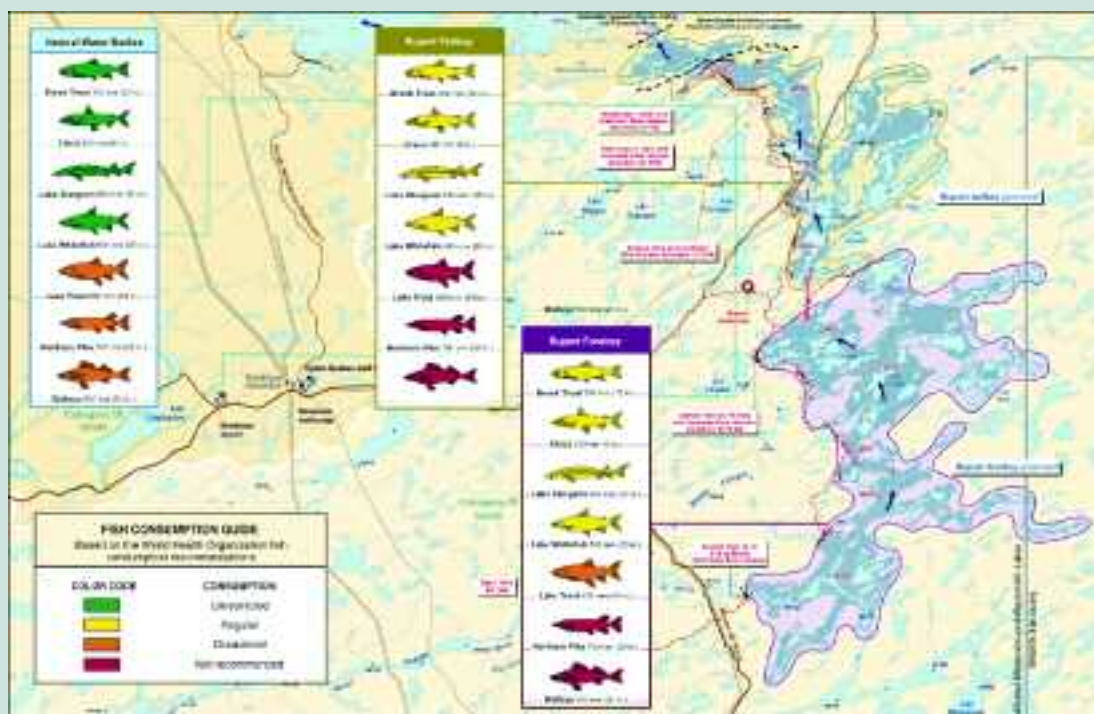
In the same manner, species such as walleye, pike and lake trout are usually coloured in orange and may be consumed occasionally.

If the proposed Eastmain 1A/Rupert River Diversion project is approved, mercury levels in fish of all modified water bodies will be monitored regularly and fish consumption guidelines will be reviewed in collaboration with the CBHSSJB. Communication tools will be used to inform consumers to insure that exposure to mercury remains well below safe levels.

The following figures show the anticipated effect of the project on fish consumption recommendations for the different modified water bodies.



Figure 1: Anticipated effects on recommended fish consumption for the Diversion Bays



For the Rupert Diversion Bays, fish that feed mostly on plankton or insects, such as lake whitefish, brook trout, cisco and sturgeon, consumption recommendations will be reduced from no restriction on consumption

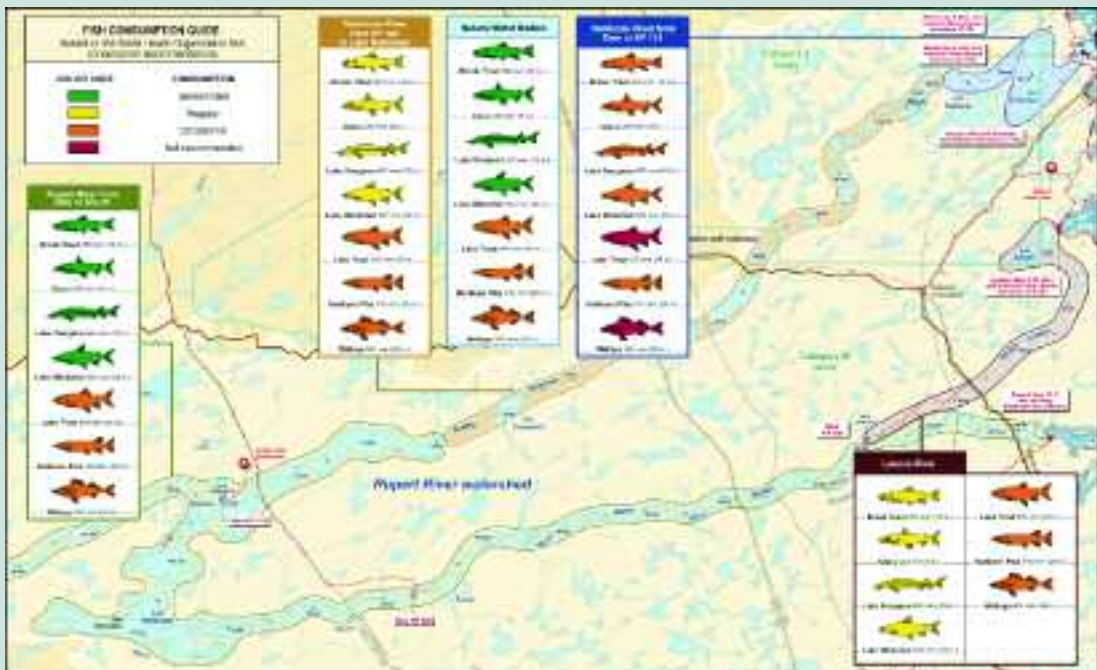
to regular consumption for a period of about 10 years. For lake trout, pike and walleye, consumption will not be recommended for a period ranging from about five to 15 years.



For the Rupert River, from the dam to the bay, and for Champion Lake, the project will have no effect on current fish consumption recommendations.

For the Eastmain 1 reservoir currently filling up, the partial diversion of the Rupert River adds one year to the fish consumption restrictions caused by this reservoir without the diversion.

Figure 2: Anticipated effects on recommended fish consumption for the Nemiscau, Lemare and Rupert rivers





For the Lemare and Nemiscau rivers, the project will cause additional consumption restrictions for most species, for a period of about five to 15 years, compared to the current situation. For this period, lake whitefish, brook trout, cisco and sturgeon consumption recommendations will be reduced from no restriction on consumption to regular consumption. Between the Nemiscau dam and Biggar Lake, the current consumption recommendation will remain for pike, but the consumption of lake trout and walleye will not be recommended for about five to 15 years. For lake trout, pike and walleye from the other stretches of these rivers, current consumption recommendations will not change.

After 15 years following the start of the diversion, current fish consumption recommendations will again apply to fish from all the water bodies modified by the project.

To help the Cree continue to consume fish on a regular basis during the period of increased mercury levels, so that they may profit from the health benefits of this excellent food source, the Boumhounan Agreement provides for Funds to facilitate access to fishing sites unaffected by the project.

Another Perspective:

Mercury

Whose Problem Is It *Anyway?*

Alan Penn, Cree Regional Authority

Mercury and Cree history. Mercury—or nemasahkosiwin as it is commonly referred to in the Cree language—has probably been with the Cree people for a very long time. They have lived with mercury, as far as we know, from the time they first moved into the forests and lakes of northern Quebec and similar regions elsewhere in northern Canada. The Cree will continue to live with mercury as long as they continue to use fish—for their own consumption or for consumption by others. Cree communities and institutions will have to work out for themselves how they want to relate to this mysterious and complex metal. This much became clear within weeks of the signature of the James Bay and Northern Quebec Agreement, for it was then that the dilemma of living with mercury and at the same

time enjoying the harvesting rights in the Agreement first confronted the communities and the Cree leadership.

The many faces of mercury. The Cree population first encountered mercury as a public health issue thirty five years ago in 1971, because that was when the first measurements were made—of fish and of people. That was when the Waswanipi commercial fishery was still in operation and soon to be closed—because of mercury, and the concern focused on the fishermen and their families. The story is complicated, but at first it seemed that the high levels of mercury in the Cree were somehow related to the forestry industry, and in particular to the pulp and paper mill in Quévillon that began production in 1968, and that lost a



substantial amount of mercury from its chlorine producing plant. Strangely enough, it now seems likely that Domtar's forestry operations were just as responsible for mercury contamination in the region. But for a while, the focus was on the Quévillon mill—then attention shifted within a few years to the smelting and refining of metal ores in Rouyn-Noranda, and the mining for copper, gold and some other metals in the Matagami, Chapais and Chibougamau mining centres.

By 1976, it was learned that the people in Whapmagoostui faced the same problems of high levels of exposure to mercury as Waswanipi. What was happening? Was this a form of natural contamination? Perhaps it was the result of the transport and distribution of mercury over long distances from southern industrial centres, over distances of hundreds and perhaps thousands of kilometres? To some extent, these questions are still with the Cree—and although we know more now than we did thirty years ago, there are many fundamental questions for which we still do not have clear answers—and perhaps we never will.

That is why it is important for the Cree population and the institutions serving the Crees to have some understanding of what we do know—but, just as important, of the questions for which we do not have answers, some of which are beyond the reach of the tools now used to study mercury. What we can say, though, with reasonable confidence is that mercury is a 'natural' contaminant in the Cree environment. It just happens that the Cree population makes its living from ecosystems in which mercury has been accumulating steadily since the last Ice Age.

Mercury and the health of the Cree population. Mercury became notorious in the 1950s and 1960s as a result of Minamata disease in Japan, and the Waswanipi people tell us that they still remember vividly the photographs of Minamata victims, and the visits of Japanese guests who had experienced Minamata disease. At the time, the Cree were warned that they might be on the verge of an epidemic of mercury-related disease. The Cree were studied in great detail, and there was a great deal of



discussion and debate at the time about the evidence. All of this happened before the creation of the first reservoirs for the La Grande project.

At that time, some—not all—Cree communities depended heavily on inland fisheries, more so than today. Mercury levels in hair and blood were high, especially in the older families who spent several months at fishing camps. The research teams who came to study the effects of mercury saw what they thought was the toxicological evidence of exposure, perhaps a lifetime of exposure, to mercury. But they also asked themselves what these signs meant. Were the neurological signs in part the results of a lifetime of hunting under physically very demanding conditions, and compounded by the effects of ageing? Nobody was very sure, but the hunters who had the highest levels of mercury in their hair were also in good spirits, leaders in their own company of hunters, and often in very good physical shape—as they had to be, as active hunters. What to do? What advice should be given to the Cree communities?

Mercury has taught us, among other things, that when it comes to environmental contamination, we must live with uncertainty and debate. This is true around the world, but especially in populations that, for different problems, face the problem of living with mercury and managing the risks of exposure so as to avoid excessive risk to human health. Uncertainty and debate, it should be noted, are features of other environmental contaminants, some of which are to be found in the wildlife used by the Cree population, and by other aboriginal populations in northern Canada.

Over the years that followed the discovery of mercury contamination in their territory, Cree society and its economic basis have changed. With the arrival of roads, the increase in the numbers of jobs available, there were more choices. Some of the key wildlife resources either remained abundant, or expanded and became more widely available as the Crees' own transportation and distribution networks changed—bear, moose, caribou and beaver.

The relative importance of fish probably declined as the food economy became more diverse and varied. But fish have always been important, and remain a highly appreciated source of bush food in 2006. There is concern about the use and enjoyment of fish by younger families, particularly those who have more difficulty leaving the community to spend time in bush camps and who have become more dependent on 'fast food.' There is concern, as well, about diabetes and its relationship to changes in diet and physical activity, and the role played by fishing and the consumption of fish in this emerging picture.

It is a matter, then, of striking a balance—of maintaining the historic and cultural role of the local fisheries, which is so relevant to human nutrition as well, but at the same time avoiding unreasonable health risks—for the individuals and, in the case of women who are pregnant, the unborn child as well. As long as the Cree remain involved in the hunting economy, and continue

to hunt and fish as a people, this will be a subject of continuing interest and concern. This is why it is so important for the communities to work with the Cree Health Board, the Cree Regional Authority, the Cree School Board and the Cree Trappers' Association to develop, as it were, a 'common front.'

Mercury in the Cree Environment – Challenge and Stimulus for Science Teaching

Mercury has become, in some ways, a symbol of environmental contamination for the Cree people. It is present in almost indescribably low amounts—in the environment and in people, and its physical and chemical properties stand out as being very unusual. An enormous amount of research has been done on mercury, and yet it remains surprising just how difficult it is to answer what may seem to be very basic and simple questions. The word used in the Cree language to describe mercury itself illustrates some of these challenges—





how is mercury changed chemically to the compound—methyl mercury—that we find in fish? How does mercury move between air, water or sediment and how is it taken up by plants and animal life in the water and in sediment at the bottom of streams and lakes? What happens to mercury when it is taken up by fish, and are the fish themselves affected by mercury? These are all fair questions, and there are many groups of scientists who are tackling these questions and exchanging their data and ideas.

The Cree responded in 1975 with the introduction of the term “nemasahkosiwin”—which means the “fish disease” or could impart the idea that “the fish are sick.” At the time this seemed appropriate, because it was thought that, like infectious diseases, the problem of mercury would eventually go away. But the term remains, and it has had some interesting and revealing consequences, because people do draw parallels between mercury and infectious disease, and ask themselves whether mercury affects the fish themselves, and, if so what about themselves? These are

questions that fish biologists are also starting to address. In other words, the concepts that the Cree themselves are using provide some important and valuable clues about the difficulties in explaining the phenomenon.

For these reasons, mercury provides valuable opportunities for teaching environmental science. In fact, there are many students in Quebec who have gained their own experience about how research is planned and carried out using mercury as their focus. In the Cree schools, there is a recognized need to strengthen education and achievement in the sciences generally, as the Cree economy becomes more diverse and as employment increasingly requires a strong background in mathematics and in the sciences—biology, geology and ecology. Because of its varied and complex behaviour, mercury can be used to introduce students to aspects of chemistry and physics relevant to environmental studies, and to understanding how research is planned and carried out to understanding the effects of contaminants on human populations.

Mercury, Hydro-electricity and the Diversion of the Rupert River

These notes were prepared to reply to a text prepared in connection with a proposed hydroelectric development—the Rupert River diversion, and the diversion of river flow into the Eastmain-1 reservoir and the Eastmain 1-A and Eastmain-1 powerhouses. It is reasonable, therefore, to comment here briefly on some aspects of mercury in the environment that are relevant to the communities and families who stand to be affected by the Rupert River diversion.

The Rupert diversion is unlike the rest of the La Grande project, in that there is no new reservoir, with fluctuating water levels, and instream flow is, for the first time, planned for the Rupert River. We can expect mercury levels to rise in fish after flooding takes place—this has happened everywhere where fish have been sampled and analysed for mercury after flooding. It is useful to keep in mind, though, that there are two main factors that influence the amount of mercury in a fish—the species and the size of the fish. Fish that prey on other fish have more mercury in their diet, and they are usually bigger. The most obvious examples are pike and lake trout. These factors are usually more important than the effect of flooding, although there have been some exceptions.

Some of the organic or methyl mercury produced in the flooding upstream from the diversion will be transported to the Eastmain-1 reservoir, and some will be transported down the Rupert River with the instream flow. In both cases, it should be possible, for a period probably of five to ten years, to detect the increase in mercury levels in the fish. The greatest increases

will take place in the Eastmain-1 reservoir, that has only recently been filled. The diversion will have some effect on this reservoir, but it will be quite difficult to detect. There will probably also be some transport of mercury, and uptake by fish, below the Eastmain-1 and 1-A powerhouses as well as in the Eastmain-Opinaca reservoir, and possibly downstream from the La

“The Cree responded in 1975 with the introduction of the term ‘nemasahkosiwin’—which means the ‘fish disease’ or could impart the idea that ‘the fish are sick’.”

Sarcelle powerhouse. But the changes are likely to be small, and unlikely to make a difference for consumers of fish.

It is probably worth keeping in mind here that, with the exception of the Eastmain-1 reservoir, the additional flooding for the Rupert diversion will not create a large supply of accessible contaminated fish. The Rupert River forebay and tailbay will likely be fairly inaccessible and difficult to navigate after flooding. These will not be good areas either for gill netting or rod-and-line fishing. Some fish may move upstream to Lake Mesgouez, and it may

be worth keeping track of mercury levels there—but keeping in mind what was said above about the importance of species and the size of individual fish.

Downstream, along the Rupert River, we must also keep in mind that the waterbodies created upstream from the sills will generally be quite small. One of the major sources of concern will be how much fish can safely be taken from the Rupert River. Given what we know about the species present, the size of the fish, and the numbers of fish present in the river system, this is not an area where we should expect a major mercury problem—although there may be problems of conservation and management of fish stocks. Most of the mercury in the Cree diet will continue to come from the fish taken from the lakes and rivers that can be reached by road and canoe in the areas surrounding the hydroelectric project. For the Cree people as a whole, mercury will continue to be a regional rather than a local issue.



