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JAMES BAY AND NORTHERN QUEBEC AGREEMENT

Guidebook to our modern-day Treaty

# AGREEMENT

between

- The GOVERNMENT OF QUÉBEC
- The SOCIÉTÉ D'ÉNERGIE DE LA BAIE JAMES
- The SOCIÉTÉ DE DÉVELOPPEMENT DE LA BAIE JAMES
- The COMMISSION HYDROÉLECTRIQUE DE QUÉBEC (HYDRO-QUÉBEC)
- The GRAND COUNCIL OF THE CREES (OF QUÉBEC)
- The NORTHERN QUEBEC INUIT ASSOCIATION and  
DEPARTMENT OF CANADA

# INTRODUCTION

The *James Bay and Northern Quebec Agreement* treaty is essentially our “Charter of Rights” allowing us to govern ourselves. Before that, under the Indian Act, federal government officials made virtually all our decisions including where we could go, where we could hunt, where we would live and where we could send our kids to school.

In the early seventies, the “Project of the Century” came to our Territory at a moment when the rights of Aboriginal peoples were not recognized in Canada. The James Bay Hydro Electric Project would dam numerous rivers on the land and would affect our way of life. We were faced with a threat, but we also had great leaders who had the vision to use modern tools to defend our traditional way of life and environment.

We used their laws to assert our rights and the result was the *James Bay and Northern Quebec Agreement* (JBNQA), the first modern Indigenous land claims agreement and treaty in Canada. The Supreme Court of Canada has recognized the JBNQA as a “treaty” protected by the *Constitution of Canada*.<sup>1</sup>

Signed on November 11, 1975, the JBNQA treaty is the “rule book” for the recognition and protection of Eeyou/Eenou rights. Some might argue it saved our language, culture and created conditions for a prosperous future for the entire

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<sup>1</sup> *Quebec (Attorney General)*  
*v. Moses*, 2010 SCC 17.

Cree Nation of Eeyou Istchee. The Agreement was signed by the Cree Nation of Eeyou Istchee, the Inuit of Nunavik, the Government of Quebec, the Government of Canada and Hydro-Quebec. The JBNQA provided for compensation of \$225 million for both the Cree and Inuit.

Stated in the Agreement, Cree were to be given preferential treatment for granting of contracts and for jobs on the James Bay Hydro Electric Project and other development projects in the Territory.

Since its signature in 1975, the *James Bay and Northern Quebec Agreement* has undergone 29 amendments starting in 1978 with the most recent in 2022. There have been other major agreements since the JBNQA such as the *Paix des Braves* (2002), the *Federal New Relationship Agreement* (2008), the *Eeyou Marine Region Agreement* (2010), the *Cree-Quebec Governance Agreement* (2012) and the *Agreement on Cree Nation Governance with Canada* (2017). Please visit our website for more information on the agreements:

[www.cngov.ca/governance-structure/legislation/agreements](http://www.cngov.ca/governance-structure/legislation/agreements)

The *James Bay and Northern Quebec Agreement* contains 31 chapters covering such subjects as eligibility, land regime, local and regional government, health, education, justice, police, environmental and social protection, hunting, fishing and trapping rights, community and economic development, an economic security program for Cree trappers and a special forestry regime.

As the JBNQA applies to both the Cree and the Inuit, this document summarizes the main provisions applicable to the Crees. This summary is for ease of reference only; the official text of the JBNQA takes precedence.

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book” for the recognition and  
protection of Eeyou/Eenou rights.



## SECTION 3

# ELIGIBILITY

Section 3 of the JBNQA defines the rules to determine who are the “Cree beneficiaries” of the JBNQA, that is, who can exercise the special rights and enjoy the benefits provided for in the JBNQA. These include the right to vote in elections of the Cree First Nations and Cree Nation Government, and to benefit from services like the Cree School Board’s Post-Secondary Program, the Cree Non-Insured Health Benefits Program of the Cree Board of Health and Social Services of James Bay and entitlement to band housing.

Originally as of November 1, 1977, each Cree community was to supply a list of all those eligible for beneficiary status. Over the years, as the Cree Nation has grown, so has the number of beneficiaries. Today, descendants of a JBNQA beneficiary are eligible, including adopted children. With certain exceptions, Crees who have been absent from the Territory for ten continuous years and are domiciled outside the Territory are not entitled to exercise their rights or receive benefits under the Agreement; this is sometimes referred to as the “Ten-Year Clause”. These Crees can resume receiving benefits by re-establishing their domicile in the Territory.



## SECTION 5

# CREE LAND REGIME

This section determines the different categories of lands:

### Category I lands

These are special pieces of land set aside just for the James Bay Cree bands, comprising approximately 5,500 sq/km as defined within the JBNQA.

- **Category IA lands:** Quebec retains the underlying ownership of these lands, but their administration, management and control has been transferred to the Government of Canada, for the exclusive use and benefit of the Cree First Nations.
- **Category IB lands:** The ownership of these lands, under provincial jurisdiction, has been transferred to Cree landholding corporations that administer the lands and may grant rights on them. These lands may not be sold or ceded except to Quebec, and cannot be taken away by Quebec. However, if the right to expropriate is exercised by Quebec as described in Section 5, the land must be replaced or compensation paid at the option of the Crees.





## Category II lands

Under provincial jurisdiction, these are lands for exclusive Cree hunting, fishing and trapping, comprising approximately 70,000 sq/km as defined within the JBNQA. Quebec may appropriate Category II lands for development, provided such lands are replaced or, if the Crees wish and an agreement can be reached, they are compensated.

## Category III lands

These are the “public lands” under Quebec jurisdiction between the 49th and 55th parallels, excluding our Category I and II lands, but that the Crees have the right to harvest and to access Cree traditional family territories (“traplines”).

## SECTION 9

# LOCAL GOVERNMENT ON CATEGORY IA LANDS

Category IA lands are subject to federal jurisdiction. Section 9 of the JBNQA, together with the *Cree Nation Governance Agreement* and the *Cree Constitution of 2017*, define the governance powers and functions of Cree First Nations and of the Cree Nation Government on Category IA lands. They also define rules concerning land use, tax and seizure exemptions, rights of access and residence, leasing and environmental monitoring on Category IA Lands.

## SECTION 10

# LOCAL GOVERNMENT ON CATEGORY IB LANDS

Under provincial jurisdiction, Category IB lands are addressed in Section 10, which outlines the local municipal-type governance functions of the various “Cree Village Corporations”. These are similar to the roles and functions that municipal governments have under Quebec law, but allow for the Crees to organize, build laws and communicate in a way that reflects the needs of their community.

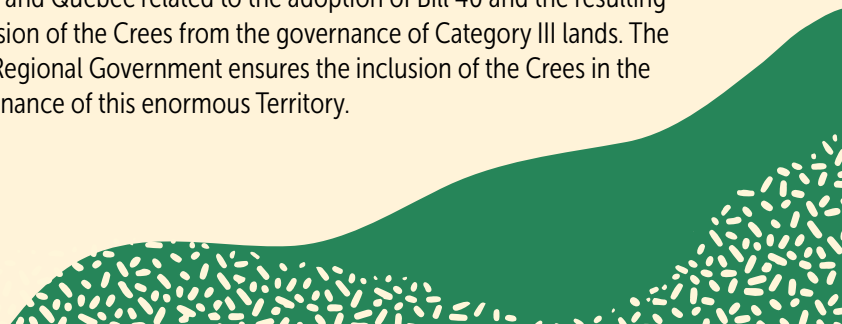


## SECTION 11

# CREE GOVERNANCE ON CATEGORY II LANDS

Section 11 provides the governance framework for the Cree Nation Government (formerly the Cree Regional Authority). Under the *Cree-Quebec Governance Agreement* of 2012, Complementary Agreement No. 24 and implementing Quebec legislation, the Cree Nation Government now has the right to exercise on Category II lands certain land and resource use planning and management powers as well as municipal-type powers.

The *Cree-Quebec Governance Agreement* also provides for the creation of the Eeyou Istchee James Bay Regional Government as a kind of “joint venture” between the Crees and Jamésiens for the governance of Category III lands. The Regional Government has certain municipal and land use planning functions on Category III lands. It replaces the former Municipalité de Baie-James, resolving a dispute between the Crees and Quebec related to the adoption of Bill 40 and the resulting exclusion of the Crees from the governance of Category III lands. The new Regional Government ensures the inclusion of the Crees in the governance of this enormous Territory.



## **SECTION 14**

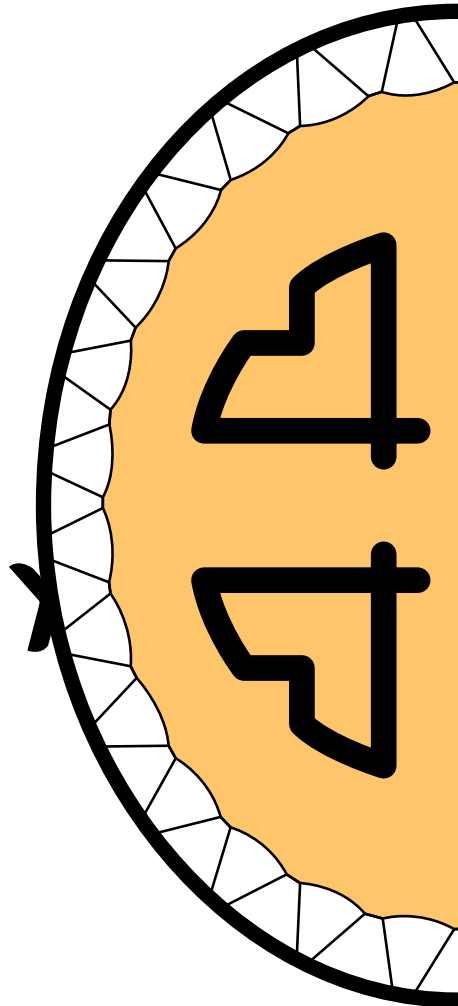
# **CREE HEALTH AND SOCIAL SERVICES**

The Cree Board of Health and Social Services of James Bay (CBHSSJB) was formally established in 1978 pursuant to Section 14 of the JBNQA. Federal health facilities in the Cree communities were turned over to Quebec and then transferred to the CBHSSJB.

The CBHSSJB has exclusive jurisdiction for health and social services over Category IA and IB lands, as well as shared jurisdiction over Category II lands. The CBHSSJB is responsible for administering appropriate health and social services for all persons normally residing or temporarily present on these lands.

The CBHSSJB is governed by an elected board of directors, comprising one representative from each Cree community, one representative elected by all the members of the Cree Nation Government (who also serves as the Chairperson), one representative elected by the clinical staff, one representative elected by the non-clinical staff and the executive director. The Board has established various committees to advise on various aspects of its operations.

To encourage qualified health personnel to come live and work up north, special benefit packages and attractive working conditions were offered to professionals from outside the Territory. To foster Indigenous employment, the Cree Health Board provided employment and advancement opportunities to “Native people” as well as special education and training opportunities. The Quebec Government also agreed to fund Cree health programs not provided to the Quebec general population, but provided by the Federal Government to Indigenous peoples, and funding was to be adjusted when needed according to population growth and the rising costs of program delivery.



## SECTION 16

# CREE EDUCATION

The main outcome of Section 16 of the JBNQA was the unification of all our community schools under a single school municipality named the Cree School Board which gave us self-determination in our schools on Category I lands (in the communities).



The Board is made up of the Council of Commissioners, with one representative elected from each of the Cree communities and an elected Chairperson. Although we still comply with the Quebec Ministry of Education requirements, the JBNQA now gave us control in our schools to teach our language and culture. Our school board's unique treaty status gave us local control, with input from the Community Education Administrators (CEA) and parents' committees, including for the hiring of teachers, design of curriculum and the Cree capacity building through teacher training programs.

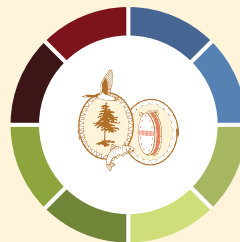
This, in turn, has increased student engagement and success, as students respond better to Cree teachers and Cree students could now be taught in their own language as well as in English or French. Culturally, it has also allowed us to determine our own school year calendar leading to the creation of goose break and moose break.

Another important outcome was the establishment of the Post-Secondary Services department, which offers financial assistance to students studying in the south.



## SECTION 18

# ADMINISTRATION OF JUSTICE



Section 18 of the JBNQA includes provisions for the administration of justice for the Cree with the operation of the courts in the judicial district incorporating Cree values, ways of life and beliefs. It also created a Cree Quebec Judicial Advisory Committee to make recommendations on budgets, facilities, services and programs, and research. It provided for greater participation of the Cree throughout the system, with facilities, programs and services in both the justice and corrections systems.

In 2002, the New Relationship Agreement led to further implementation of JBNQA provisions paving the way to the 2007 new Agreement on Justice with Quebec. With funding from the new Justice Agreement, the Cree Nation Government established the Department of Justice and Correctional Services in 2008.

Under the new Justice Agreement, the judicial district of Abitibi was extended to include the Cree Territory. Special judges were appointed in Eeyou Istchee with jurisdiction for different Quebec Court divisions, including Civil, Criminal and Youth Divisions. Courts could now hold hearings in the Cree communities instead of in Amos. Crees were also guaranteed the right to interpreters at all levels of the judicial process. Court houses, women's shelters and facilities for young offenders have been built in the Cree communities.



Arrangements have been made for non-Indigenous justice personnel, including judges, public defenders and clerks to be trained in special requirements of the Crees due to their distinctive culture, way of life, language, traditions and customs and the legacy of the residential school system. Judicial decisions and actions should reflect these distinctive needs of the Cree people. An objective is for Crees to be trained to assume "the greatest number of positions" in the administration of justice throughout the Cree Nation in the Cree Territory.

## SECTION 19

# POLICE

The Agreement also established Cree police units of the Quebec Police Force with at least one Cree special constable for every population of 500 Cree people per community. The Cree special constables were to be trained at the Quebec Police Institute through special programs taking into consideration the unique circumstances and requirements while conducting their duties in the Territory. The main duties of the special constables were on Category I lands but would also have jurisdiction on category II and III lands if called upon. The cost of the Cree police force was shared between the governments of Canada and Quebec and the program would eventually lead to the creation of the Eeyou Eenou Police Force in 2011.



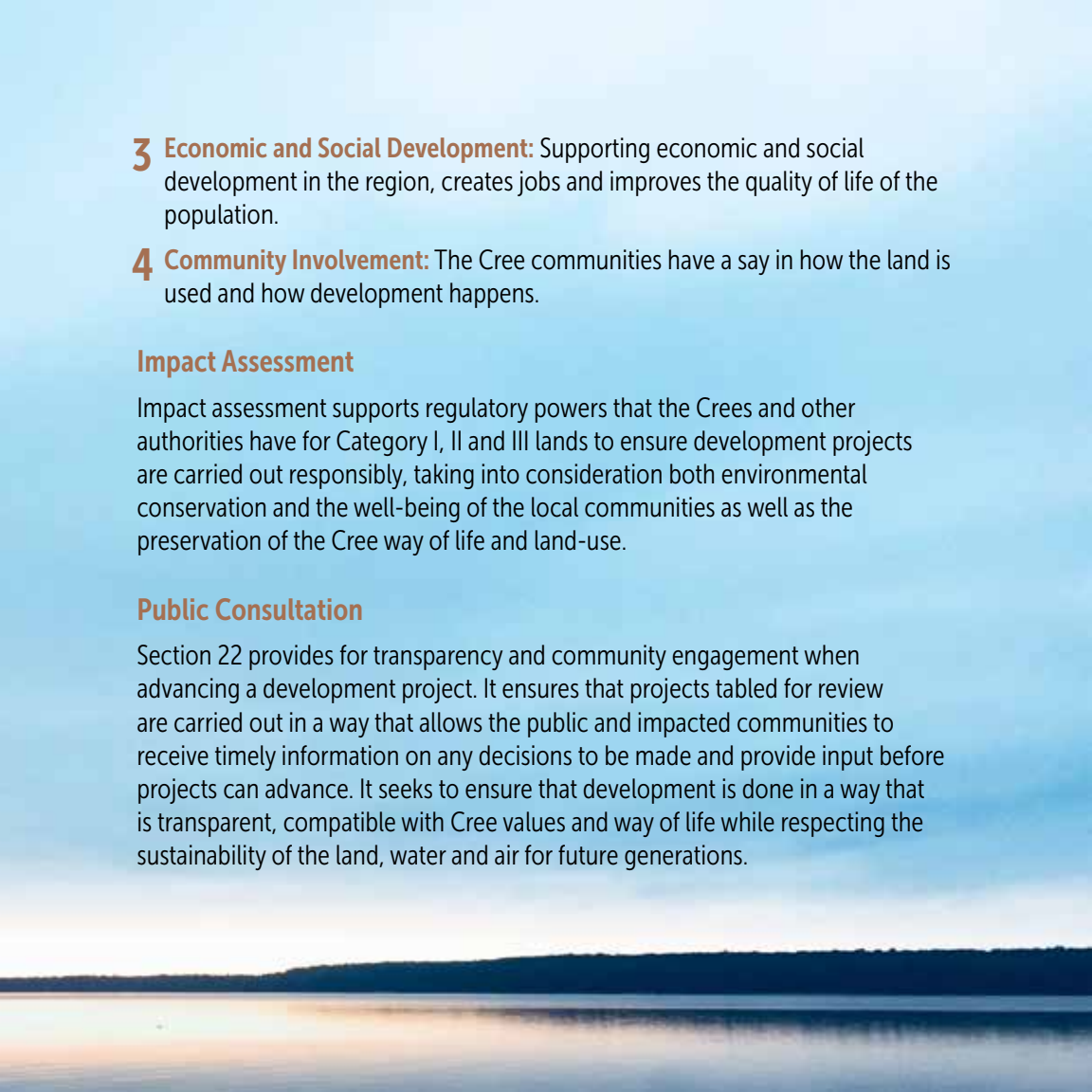
## SECTION 22

# ENVIRONMENT AND FUTURE DEVELOPMENT BELOW THE 55TH PARALLEL

Section 22 establishes an environmental and social impact assessment and review regime for the protection of the environment below the 55th parallel in the James Bay and Northern Quebec area with the input of the local Cree communities. It establishes joint Cree-Quebec-Canada panels (COMEV, COMEX and COFEX) responsible for administering the impact assessment and review process and for recommending whether or not a project should be authorized and, if so, on what conditions.

### Key points

- 1 Environmental Protection:** It aims to protect the land, water, and wildlife in the region to minimize negative impacts of new developments on the Crees, wildlife and the environment.
- 2 Land Use Planning:** Planning how the land can be used in the future, like where houses, roads, and businesses can be built, and resource developments located, to help avoid problems and keep the environment safe.

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- 3 Economic and Social Development:** Supporting economic and social development in the region, creates jobs and improves the quality of life of the population.
- 4 Community Involvement:** The Cree communities have a say in how the land is used and how development happens.

### Impact Assessment

Impact assessment supports regulatory powers that the Crees and other authorities have for Category I, II and III lands to ensure development projects are carried out responsibly, taking into consideration both environmental conservation and the well-being of the local communities as well as the preservation of the Cree way of life and land-use.

### Public Consultation

Section 22 provides for transparency and community engagement when advancing a development project. It ensures that projects tabled for review are carried out in a way that allows the public and impacted communities to receive timely information on any decisions to be made and provide input before projects can advance. It seeks to ensure that development is done in a way that is transparent, compatible with Cree values and way of life while respecting the sustainability of the land, water and air for future generations.

## SECTION 24

# HUNTING FISHING AND TRAPPING

Section 24 outlines rights and regulations related to Cree and Inuit hunting, fishing, and trapping in the James Bay and Northern Quebec region.

### Key points

- 1 Conservation:** The Hunting, Fishing and Trapping is subject to the principle of conservation, including sustainable harvesting practices.
- 2 Harvesting:** In essence, Section 24 recognizes the Cree right to harvest (hunt, fish and trap), while allowing mechanisms to ensure safety, sustainability and community use of harvested animals in a manner that aligns and can evolve with Cree values and best practices.
- 3 Priority of Cree Harvesting Practices:** The principle of priority of Native harvesting means that in conformity with the principle of conservation and where game populations permit, the Crees shall be guaranteed levels of harvesting equal to present levels of harvesting of all species in the Territory. If game populations do not permit levels of harvesting equal to the guaranteed level, the Crees shall be allocated the entire kill and may allocate a portion of this kill to non-Natives through recognized outfitting facilities.

**4 Outfitting Regime:** A special outfitting regime for non-Indigenous hunters is established.

**5 Government Authority and Responsibilities:** Federal, Provincial, Cree and Inuit governments have shared responsibilities and collaborate on the Hunting, Fishing and Trapping Coordinating Committee.



## SECTION 28

# ECONOMIC AND SOCIAL DEVELOPMENT – CREES

Section 28 addresses “Economic and Social Development” for the Crees, including economic development and opportunities for the Cree people and communities. It is important to emphasize that Section 28 recognizes the vital role of social development that allows traditional lifestyles and land-based opportunities to grow as well – not just as an economic but social industry within Cree society.

### Key points

- 1 Economic Development Funds:** It establishes funds intended to help create jobs, develop businesses, and improve the economic well-being of the local populations.
- 2 Business Opportunities:** It encourages the participation of Cree people in economic activities, including the development of businesses and industries in the region. This includes opportunities in areas like tourism, natural resource development, and fur trade.
- 3 Education and Training:** It promotes education and training programs to equip the local populations with the skills and knowledge needed to participate in economic development activities effectively.

- 4 Access to Information:** It ensures that the Cree communities have access to information and opportunities related to economic development projects, contracts, and employment.
- 5 Contracts and Agreements:** It encourages the negotiation of contracts and agreements that provide economic benefits to the Cree people. This includes agreements related to resource development and other economic ventures.

### **Regional Entities Defined from Section 28**

Four entities are directly defined and derive their mandates from Section 28 of the JBNQA:

- 1) Cree Development Corporation
- 2) Cree Trappers' Association
- 3) Cree Outfitting and Tourism Association
- 4) Cree Native Arts and Crafts Association

Each entity is jointly funded by the Cree, Quebec and Canada to support their operation and objectives.

### **Cree Nation Government Departments derived from Section 28**

- 1) Apatisiwin Skills Development
- 2) Commerce and Industry







## SECTION 30

# ECONOMIC SECURITY FOR CREE HUNTERS AND TRAPPERS

The Economic Security Program offers income and incentives providing necessary funds for families or individuals for hunting and trapping and enabling them to continue engaging in the Cree way of life.

Cree participants can still benefit from other government programs such as workers compensation, unemployment insurance and pension plans. However, Economic Security payments may be subject to reduction to offset certain forms of "other income", such as income from guiding, outfitting and land development.

Benefits include both a fixed annual amount for each beneficiary unit based on its composition and daily allowances for every day spent in the bush in harvesting or related activities.

The Program is managed by the Cree Hunters and Trappers Economic Security Board which consists of three Cree members and three members from Quebec.

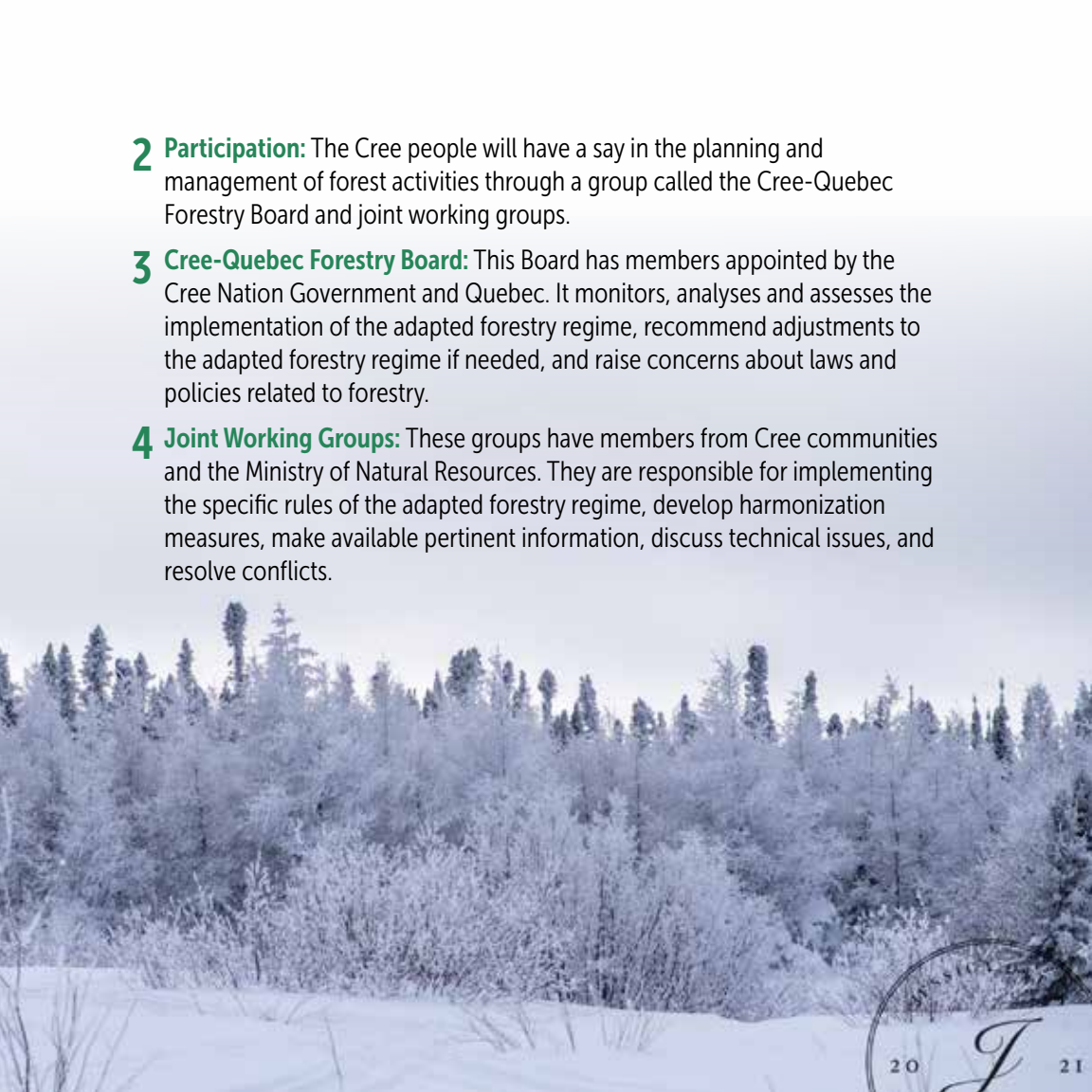
## SECTION 30A

# FORESTRY REGIME

Section 30A on the Forestry Regime was added to the JBNQA by Complementary Agreement No. 14 pursuant to the Paix des Braves of 2002. It adapts the general forestry regime (the management of forests and trees) within Eeyou Istchee to better take into account the Cree traditional way of life, integrate sustainable development concerns, and ensure the participation by the Cree people in forestry planning and management processes.

### Key points

- 1 Adapted Forestry Regime:** Establishes particular rules and procedures applicable in the Territory, while respect the principles set out in this JBNQA and the Forest Act (including the recognition of the forest heritage and the sustainable management of the forest. It gives due consideration to the protection of the hunting, fishing and trapping rights of the Crees, the protection of Native people, societies, communities and economies, the protection of wildlife resources, of the physical and biotic environment, and of ecological systems.

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- 2 Participation:** The Cree people will have a say in the planning and management of forest activities through a group called the Cree-Quebec Forestry Board and joint working groups.
- 3 Cree-Quebec Forestry Board:** This Board has members appointed by the Cree Nation Government and Quebec. It monitors, analyses and assesses the implementation of the adapted forestry regime, recommend adjustments to the adapted forestry regime if needed, and raise concerns about laws and policies related to forestry.
- 4 Joint Working Groups:** These groups have members from Cree communities and the Ministry of Natural Resources. They are responsible for implementing the specific rules of the adapted forestry regime, develop harmonization measures, make available pertinent information, discuss technical issues, and resolve conflicts.

# COMPLEMENTARY AGREEMENTS TO THE JAMES BAY AND NORTHERN QUEBEC AGREEMENT

## (AS OF SEPTEMBER 2024)

No.	Year	Parties	Amending Section(s)	Purpose(s) of Amendments
1*	1978	All parties	1, 22, 23, 24	Participation of Naskapis in Environmental and Harvesting Regimes upon signing of Northeastern Québec Agreement
2*	1978	All parties	2, 25	Inuit land rights and Inuit compensation
3*	1978	All parties	4, 5, 6, 7, 10, 24	Transfer of Cat. I lands to Inuit in Fort George (Chisasibi)
4	1978	Cree, SEBJ, HQ	8	Chisasibi Agreement and Revision 1 to La Grande Project
5	1979	Cree, SEBJ, HQ	8	Sakami Lake Agreement re remedial works to control water levels of La Grande Project
6*	1980	Inuit, Qc	6	Inuit Cat. I and II land descriptions
7	1986	Cree, SEBJ, HQ	8	La Grande Project (LG-1, LG-2A, Brisay, RND Projets); James Bay Eeyou Corporation
8	1988	Cree, Qc	30	Increasing benefit ceiling of ISP and authority of Cree Hunters and Trappers Income Security Board
9*	1988	Inuit, HQ, SEBJ	8	Kuuujuaq Agreement re modifying release of liability for SEBJ, HQ and SDBJ; removing exceptions for Inuit

\* Not applicable to the Crees

No.	Year	Parties	Amending Section(s)	Purpose(s) of Amendments
10	1989	Cree, Inuit, Nask, Qc	24	Harvesting – right of first refusal in favour of Cree, Inuit and Naskapi
11	1993	Cree, SEBJ, HQ	8	LA1, LA2 Projects, transmission lines, other projects added to La Grande Project
12	1993	Cree, Inuit, Nask, Qc	24	Broadening wildlife commercialization opportunities
13	2002	Cree, SEBJ, HQ	8	Agreement re Eastmain 1-A/Rupert; removing reference to N.B.R. future projects associated with La Grande Project
14	2002	Cree, Qc	22, 28, 30A	Paix des Braves assumption of Qc responsibilities; new Adapted Forestry Regime; replacing SODAB by CDC
15	2002	Cree, Qc	30	Revision of ISP pursuant to recommendations of Cree Hunters and Trappers Income Security Board
16*	2002	Inuit, Qc	6, 7	Reconfiguration of Inuit Cat. I and II lands
17*	2003	Inuit, Qc	6	Parc national des Pingualuit on Inuit lands
18*	2005	All Parties	3	New eligibility requirements and enrollment procedures for Inuit; transfer responsibility for beneficiary register to Inuit
19	2008	Cree, Qc, Can	19	Creation of regional Eeyou-Eenou Police Force
20	2008	Cree, Qc, Can	22	Environmental assessment – Administrator on Cat. 1 lands

\* Not applicable to the Crees

No.	Year	Parties	Amending Section(s)	Purpose(s) of Amendments
21	2009	Cree, HQ, SEBJ	8	Flow from Eastmain, Opinaca and Rupert rivers
22	2011	All Parties	Several	Integrating Ouje-Bougoumou into JBNQA
23*	2013	Inuit, Qc	6	Inuit land regime
24	2013	Cree, Qc	11	Cree-Quebec Governance Agreement re Cree Governance on Cat. II lands
25	2017	Cree, Qc	30A	Amendment to Adapted Forestry Regime
26	2018	Cree, Inuit, Nask, Qc	24	Amendment to renew right of refusal re operation as outfitters under Harvesting Regime until 2021
27	2021	Cree, Qc	30	Revision of ISP pursuant to recommendations of Cree Hunters and Trappers Income Security Board
28	2021	Cree, Inuit, Nask, Qc	24	Amendment to renew right of refusal re operation as outfitters under Harvesting Regime until 2024
29	2022	Cree, Qc, Can	3	Ten-year clause ( <i>implementing Federal NRA, par. 5.8</i> )
30	2024	Cree, Inuit, Nask, Qc	24	Amendment to Harvesting Regime

\* Not applicable to the Crees





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**Grand Council of the Crees** (Eeyou Istchee)

**Grand Conseil des Cris** (Eeyou Istchee)

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**Cree Nation Government**

**Gouvernement de la Nation Crie**