

Don't Think of Self-Government:
The Debate Over Which Language Should Govern
Aboriginal Peoples' Relationship with the State.

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**Don't Think of Self-Government:
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Aboriginal Peoples' Relationship with the State.**

Between 1992 and 2000, Canada systematically ranked first on the United Nations Human Development Index. In 2001, a study by the Department of Indian and Northern Affairs Canada found that Aboriginal Peoples would rank 78th in the world if their well-being was measured according to the same indicators. The question asked in this thesis paper is: what explains the well-being gap between Aboriginals and other Canadians? More specifically, what explains the persistence of this gap in light of an apparent agreement over a solution: self-government? The answer to this question can partly be located in the solution itself. Indeed, an analysis of an academic and public debate over an existing self-government model and model to-be reveals that “self-government” has as many understandings as there are degrees of separation between municipal governance and sovereignty proper. Thus, far from inspiring consensus, self-government is an extremely contentious concept. Further, it has not been a debate over increasing Aboriginal Peoples' well-being, but a debate over which understanding of Aboriginal governance should govern the debate. As a result, only a handful of self-government agreements have been enacted over the past 40 years. This “stall” at the policy level is, of course, the ultimate cause of Aboriginal Peoples' poor socio-economic standing.

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Pour Isabelle, du haut de ton étoile.

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List of Acronyms

AFNQL	Assembly of the First Nations of Quebec and Labrador
AIP	Agreement in Principle
CAM	Conseil Atikamekw -Montagnais
CNQA	Cree-Naskapi (of Quebec) Act
DIAND	Department of Indian Affairs and Northern Development
GCCQ	Grand Council of the Crees of Quebec
IAQ	Indian Association of Quebec
INAC	Indian and Northern Affairs Canada
JBNQA	James Bay and Northern Quebec Agreement
NQIA	Northern Quebec Inuit Association
RCAP	Royal Commission on Aboriginal Peoples
SAA	Secrétariat aux affaires autochtones

Comprendre en politique ne signifie jamais comprendre l'autre, mais comprendre le monde tel qu'il apparaît à l'autre.

- Hannah Arendt, Journal de pensée

Introduction

July 1999: Canada makes headlines as “the best country in the world to live in” based on the United Nations Human Development Index. (UNHDI) (Coyne, 1999, A19) It is the 6th year in a row it has achieved this position, but when the Department of Indian and Northern Affairs Canada (INAC) uses the same indicators to test Aboriginal Peoples’ well-being, it finds they trail far behind other Canadians; so far behind, in fact, it inspires Cindy Blackstock’s tellingly entitled paper, *Same Country: Same Lands; 78 Countries Away*.¹ (2005) More than a decade later, problems of abject poverty and loss of tradition and language continue to prevail in most Aboriginal communities across Canada. While there have been many improvements in Aboriginal Peoples’ overall quality of life – and these should not be discounted – the gap in education levels and on some indicators of employment and income has widened rather than narrowed: Canadians still enjoy higher rates of high-school and university completion, and lower rates of unemployment; they also have a longer life expectancy, and are less likely to die from infectious disease and suicide. (Assembly of First Nations, 2010) The million-dollar question for policy makers, which has been qualified as “one of the country’s most pressing” by Aboriginal Quality of Life research director at the Institute for Research on Public Policy, Leslie Seidle, is *why?* (Seidle, 2008, 1)

The situation is unnerving, but especially perplexing in light of an agreement over a solution: “self-government”. The Assembly of the First Nations of Quebec and Labrador (AFNQL), for instance, has stated that “the solution to our social and

¹ Status Indians living on reserves were found to have a quality of life equivalent to Brazil and Peru, ranked 79th and 80th respectively according to UNHDI indicators. (Blackstock, 2005, 131)

economical problems requires giving new impetus to global negotiations on recognition of self-government”. (Assembly of the First Nations of Quebec and Labrador, 2010) The authoritative report of the Royal Commission on Aboriginal Peoples (RCAP) specifically recommended that the Canadian government recognize Aboriginal Peoples’ “right to self-government” – a right they never relinquished – and grant them the full range of powers and resources needed to make it a success. (George Erasmus in Indian and Northern Affairs Canada, 1996a; Royal Commission on Aboriginal Peoples, 1996b) A Liberal government, in power at the time, could not help but be in agreement – after all, the recognition of an “inherent right of self-government” under section 35 of the Constitution had been “the cornerstone” of its Aboriginal policy since its election in 1993: this was evident in the *Policy on implementing the inherent right of Self-Government* (1995) and confirmed again in *Gathering Strength – Canada’s Aboriginal Action Plan* (1998), the official response to the Royal Commission’s report, which called, among other things, to develop “the capacity of Aboriginal peoples to negotiate and implement self-government.” (Wherret and Hurley, 1999, 6; Indian and Northern Affairs Canada, 1995; Ibid., 1998) This apparent consensus raises the specific research question of this paper: if self-government has been unanimously approved as *the* policy solution to bridging the “Aboriginal/Canadian well-being gap”, why has it yet to be applied, coherently and consistently, on a broader scale?

Only a handful of self-government agreements have been enacted in Canada since the mid-seventies²; the debate over its particular shape and scope, and how to go about

² It is difficult to come up with an exact number for “self-government legislations” or “self-government agreements” in Canada. As this paper will show, there is dispute over the meaning of the term “self-government”. it should therefore come as no surprise that there would be conflicting numbers of examples depending on which source is consulted. According to the Department of Indian and Northern Affairs Canada, for instance, there are only four self-government legislations in Canada: the *Cree and Naskapi (of Quebec) Act* (1984), the *Sechelt Indian Band Self-Government Act*

implementing it, has gone on for just as long. This persistence over time of a “debate” over self-government is illustrative, I argue, of the underlying cause of a “stall” at the policy level, which has yet to be addressed in the literature. Indeed, when the various positions that have been expressed in this debate are examined more closely, as I propose to do, they reveal an agreement over a concept that encompasses as many understandings as there are degrees of separation between “municipality” and “sovereignty” proper: they reveal that self-government is a *continuum* concept. Although, in and of itself, this observation represents no ground-breaking information – anyone who has reviewed the self-government literature will agree that there are very diverging ways of defining it – I argue that this polarization between *different conceptualizations* of self-government is actually the source of the slow “self-government making” pace in Canada, which is of course, the ultimate cause of Aboriginal people’s current unenviable socio-economic standing. Indeed, as conflicting empirical, normative and even popular claims over different understandings of self-government have been made – and continue to be made – over the past four decades, this has had for inevitable effect to bring the wheels of policy-making to a standstill, as policy makers have been left to make sense of the wealth evidence that has resulted, or been forced to tip-toe around the issue in light of public concerns. The “solution” to the problem can thus be said to *be* the problem. More

(1986), the *Yukon First Nations Self-Government Act* (1994) and the *Westbank Self-Government Agreement* (2003). (Indian and Northern Affairs Canada, 1995a; Ibid, 2009) However, according to Wherret and Hurley (1999) if we include what are referred to as “self-government agreements”, there are four more examples to speak of: the *James Bay and Northern Quebec Agreement* (1975), the *Northeastern Quebec Agreement* (1977), Nunavut (1998) and the *Nishga’a Final Agreement* (2001). The Institute on Governance (1998) adds the *Mi’kmaq Education Act* (1999) to that list, which it sees as falling in a “sectoral” category of self-government that places law-making authority in First Nation hands through a board (such as an education board) with central service functions. Finally, another way of looking at it is by identifying, like Hurley (2002), which First Nations were explicitly excluded from Bill C-7 the *First Nations Governance Act* (which never passed) because they were considered to already be self-governing: the Nisga’as, the Sechelt, the Crees of northern Quebec, and the 6 Yukon First Nations.

precisely, it is a problem of conflicting ways of seeing the world, acting as vessels for conflicting bodies of facts, and the dead end in which these visions ultimately lead.

In essence, it is this paper's main premise that *language analysis matters* in policy-making, particularly where debates over contentious social issues are concerned and have failed to lead to any tangible legislative or political action. While more "empirical" or "data-oriented" approaches can and have produced lucrative insights into what has long been termed the "Indian problem", they fail to address the belief systems that animate the actors they attempt to inform, which only admit the evidence that confirm them. What results is a debate over ideas rather than facts. Expecting a consensus to emerge in this situation would be like expecting to convince someone who espouses a "pro life" position to become "pro choice" by presenting socio-economic data on the impacts of teenage pregnancies, when what is really at stake is the definition of abortion, or rather, its product: the end of the development of a foetus, or the termination of human life, equipped with a soul. Similarly, in what I call the "self-government debate" and the broader "Aboriginal well-being debate", competing definitions of the *product* of self-government are at stake. A new approach to the problem is thus eminently required: one that sees language as a more important source of evidence, enabling an understanding of self-government – or more precisely, the language of self-government – as the proverbial elephant in the room.

In order to demonstrate this thesis, I structure this paper in four chapters. In Chapter 1, I present what I call George Lakoff's "theory of framing", as outlined in *Don't Think of an Elephant: Know Your Values and Frame the Debate*. (2004) Although this

work essentially presents itself as a “how to” manual directed at American Democrats after their 2004 loss to the Republicans, and may therefore be seen as an unusual theoretical framework from which to build in the context of a political science thesis, it actually provides many instructive insights into why policy processes sometimes “stall”; namely, that language shapes our understanding of the world and hence, of our political world, enabling me to posit that if a national public policy toward bridging the Aboriginal/Canadian well-being gap has failed to materialize, whether it be called “self-government” or something else, a good place to begin looking for a cause is in the very language that has monopolized the discourse so far.

This is what I propose to do in chapters 2 and 3, through the presentation of two case studies: the case of the Crees of Northern Quebec, who signed what has often been termed the “first self-government agreement in Canada”: the *James Bay and Northern Quebec Agreement* (JBNQA) in 1975; and the case of the Innus of Mamuitun, who have been in negotiation with the governments of Quebec and Canada over implementation of their own self-government agreement since the Crees signed theirs, but have yet to progress beyond the stage of agreement-in-principle. In both cases, a debate over self-government has occurred; in both cases, this debate has yielded very conflicting interpretations of self-government; in both cases, these interpretations have led into the same dead-end: a situation where a particular model of governance is ultimately said to not be representative of self-government at all. In the case of the Crees, an academic debate over the level of self-government enabled by their model of governance has produced a prevailing interpretation that it simply elevated Cree communities to municipal status; in the case of the Innus, a public debate has instead monopolized

airwaves, decrying the handing over of sovereignty. This dichotomy in understandings within each debate – self-government v. municipality; self-government v. sovereignty – is illustrative of the continuum nature of the concept of self-government. When we further take into account that both models are, for all intents and purposes, identical, the dichotomy in understanding that results *between* the debates provides an increased understanding of the policy-making impasse in which the language of self-government leads, and – I ultimately argue – of the larger force at work in Canadian Aboriginal politics. Indeed, as it turns out, it has never been a debate over increasing Aboriginal well-being, or over self-government, but over *which language should govern Aboriginal Peoples' relationship with the State*.

If the “problem” is language-based, a solution should logically be language-driven. This is Lakoff’s final prescription to the Democrats: *reframing* the debate. Would changing the language have any impact on the efficiency and effectiveness of the policy response in the case presented here? Some reflections will be made on this question in Chapter 4. What is sure, it is not for a lack of will that Aboriginal Peoples’ quality of life continues to stagnate. Rather, a dispute over the meaning of self-government has detracted from a more concerted discussion on the practical means of resolving the concrete problem at hand: bridging the well-being gap, *not* defining self-government. The situation in which so many Aboriginal communities still find themselves is even more unnerving in that we have already developed solutions that empirical evidence has shown have *had* an impact, but have been unable to improve and adapt, where needed, and apply more systematically, because there has been dispute over what the result should be called. If Lakoff is right, the first step toward arriving to a real

solution may be as simple as imagining the desired end in different terms. Indeed, if language shapes the way in which we see the world, changing our language “*is* social change.” (Lakoff, 2004, 1)

Chapter I: Theoretical Framework

It is difficult to speak of a “theoretical framework” when describing George Lakoff’s contribution to this paper. His book, *Don’t Think of an Elephant! Know Your Values and Frame the Debate*, has been described as a “primer” on the language of American politics; the “definitive handbook” for understanding the American Democrats’ loss in the 2004 election; an “essential guide” on communicating more effectively.³ *Don’t Think of an Elephant!* is in fact, very much of a “how to” manual – more precisely, a “how to win the debate” manual directed at the lay, liberal Democrat population with whom Lakoff openly shares allegiances. The book thus not only provides little theoretical substance, but it also has an obvious ideological bent. This is why I refer to a “Lakoffian approach”, because what Lakoff’s work really offers – and what I borrow from it to guide my own analysis – is a road-map and a strategy: a step by step guide on the “framing trap” in which he argues American Democrats fell in the 2000 and 2004 elections and a tangible way out of that trap.

Essentially, *Don’t think of an Elephant!* presents itself as a simple exercise in the age-old art of rhetoric, but it does so efficiently and is able to do so because it is grounded in a well-established literature from cognitive science that shows that “language matters” because it structures the way in which we understand experience. Although this idea is not novel, nor presented in a way that would generally appeal to the academic, there are several reasons I have decided to use Lakoff’s work to support my thesis. First, out of all of the public policy theories I have been brought to examine over

³ These qualifiers can be read on a number of online bookstore, such as Amazon.com, which offer short summaries of the book.

the course of my studies, Lakoff's was the only approach that was capable of shedding light on the question of why policy problems are sometimes immune to resolution by appeal to facts, and indeed, it was the first one I recalled when I was first faced with my research question. Institutionalism, incrementalism, path-dependency theory, the garbage-can model, pluralism, elitism, rational choice theory, etc – none of these theories address language as a driving force in the shaping of perceptions and opinions with respect to political issues; Lakoff's theory of framing not only addresses this factor, but it provides an explanation as to why it is so powerful.

Second, a positivist approach to research, which still dominates the discipline of political science, as illustrated in the mandatory quantitative research course in the Masters Public Policy and Public Administration Program at Concordia University, tends to not acknowledge a language factor in policy making and outcomes either, because it is not generally seen as a source of "empirical" data. Positivism has held great prestige in the social sciences precisely because it has been perceived as being more "scientific" (it follows the scientific method) and more trustworthy (results must be replicated), and thus, as having a greater impact on policy and public opinion. Over the past decades, this research approach has in fact provided and continues to provide very accurate pictures of the politics around us and has positively influenced public policy by informing debates between policy makers and demanders with real facts. However, in cases where the issue at stake is contentious in nature – as revealed by the polarization of the debate over such issues – an approach that favours statistical evidence, or "hard data" over other types of evidence, sometimes runs into the problem of not seeing the forest for the trees – the case of the Crees, outlined in Chapter 2, representing a chief example. Indeed, in the

past 40 years, a myriad of quantitative analyses have been conducted and published on Aboriginal people's socio-economic conditions – many of which will be presented in this paper. Although these studies provide instructive insights on the reality of the socio-economic situation of Aboriginals in Canada, and these will be useful if and when the concerned parties choose to reintegrate the debate with an eye toward resolution, they fail to recognize that the people they attempt to inform share different worldviews and that only the evidence that confirms those views is likely to impact currently held positions. This is not to say that a positivist, or scientific approach does not have its place in this area of research – but it yields *increased* explanatory power when it is applied in *combination* with a Lakoffian approach, which does see language – or the way in which arguments are framed – as an extremely important source of evidence, as will be seen more clearly in Chapter 3, where I apply the empirical method to an Innu case-study.

Third, and following from the two preceding points, a language-driven, or more precisely “frame-driven” approach, as offered by Lakoff, has received little attention in political science and the study of public policy and public administration in particular. A search for the key words “framing” and “public policy” in academic search engines, for instance, reveals hundreds of peer-reviewed articles in the fields of psychology, journalism, communications and education, but none in public policy journals. Some authors (Schon and Rein, 1994) have attempted to bring “framing” to policy analysis, but these are sociologists; further, their works date back to the 1990s. A related, more recent literature (Campbell, 2002; Walsh, 2000; Jacobs, 2009) has emerged in political science, which posits that “ideas matter”, but although it similarly assumes that societal beliefs drive policy-making, or that “taken-for-granted paradigms” constrain the range of

policies that policy makers are likely to consider, it neglects, like the previously mentioned theories and approaches, the language factor in shaping those beliefs and paradigms in the first place. (Campbell, 2002, 23)

Finally and more importantly, my decision to use Lakoff's work rests principally in its simple delivery. Indeed, it is my belief that another important factor contributing to the "stall" at the policy level with respect to self-government making is that so many theories have been competing with each other for explanatory supremacy that the real problem – the contentious nature of the very concept of self-government – has effectively been lost in the translation. Thus, I draw on Lakoff to decomplexify the playing field; to step out of the theoretical confines of political science, and look at the problem from the perspective of an outsider – a cognitive scientist – and in a way that may appeal, not only to academics, but to policy-makers as well, who are not necessarily knowledgeable in policy-analysts' and political scientists' specialized, theoretical languages and yet, have the most to gain from adding this approach to their tool-box. The fact that *Don't Think of an Elephant!* is directed at a lay population thus, should not be cause to discredit its application to policy-making. The focus should rather be on this question: does a Lakoff's book help *explain* the poor socio-economic situation that persists in Aboriginal communities? The answer, as I will show in this paper, is undeniably yes. This satisfies my ultimate goal: not to make a *theoretical* contribution to an already abundant literature on self-government, but to provide *practical* tools, a different lens, through which to view polarized, social issues, transcend the debate and inspire concrete, social change.

In this chapter, I summarize George Lakoff's advice to American Democrats after their 2004 electoral loss. First, I define the concepts of "frames" and "worldviews", which Lakoff borrows from another literature that I also briefly outline. Then, I discuss the "art of framing", which will yield some general precepts that will govern my analysis in the following chapters. Finally, I present a short a discussion on metaphors, as defined in Lakoff's *The Contemporary Theory of Metaphor* (1993) and his and Mark Johnson's *Conceptual Metaphors in Everyday Language* (1980). The dynamic and effect of "frames" and "conceptual" or "structural metaphors" is very similar and admittedly, at times, difficult to differentiate. Outlining a concept of metaphor will provide additional nuance to the concept of "frame" and, ultimately, additional substance to a discussion of my findings and Lakoff's "solution" in Chapter 4.

Don't Think of an Elephant

Through an examination of Republican/Democrat politics, specifically, the "frames of reference" contained in the language of their respective electoral campaign arguments, George Lakoff demonstrates in *Don't Think of an Elephant! Know Your Values and Frame the Debate*, how Republicans captured the public vote two elections⁴ in a row. Indeed, to the bewilderment of Democrats, Americans poorest had voted en masse for a president whose policies served the interest of the rich, according to Lakoff. He provides this explanation: Conservatives have mastered the "art of framing" or "communicating values." (Lakoff, 2004, 16) Effectively, through their think tanks, they

⁴The 2001 and 2004 elections.

had figured out how to frame every campaign issue around their values and Democrats, having not invested as many resources in their own think tanks to frame issues around *their* values, had been reduced to “arguing the facts” or revamping conservative frames with liberal spins. Essentially, they had fallen in the “framing trap” – the same trap in which I argue the debate over Aboriginal well-being ultimately leads when it is framed in terms of “self-government.” (Ibid., 19)

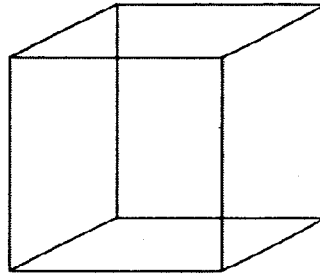
Frames of Reference

The notion of “frame of reference”, or “frame” for short, is not unique to Lakoff’s work. It is a term used in linguistics, sociology, anthropology, psychology, and even computer science and has produced a very wealthy literature over the last decades. It is within the psychology of perception theory of Gestalt that a “framing theory” finds its source, in 1912. A key assumption of this theory is that the operational principle of the brain is “holistic”⁵ and has “self-organizing” tendencies. (Ehrenstein, Spillman and Sarris, 2003, 434) Thus, when faced with the ambiguous pattern of the Necker cube (figure 1), one’s mind will “impose a frame on sense-perception to make it ‘make sense’, insisting on seeing the cube in one perspective or another.” (Atherson, 2010) The product of this involuntary “organization” is essentially a frame. Actually, with the Necker cube a sort of shuffling in the mind between *two* frames occurs: one where the lower-left face of the cube is its “front” and one where the higher-right face is. This process of “making sense” of information is a necessity for perception and the premise of

⁵ From the German, “gestalt”, which translates as “essence or shape of an entity’s complete form.” (Ehrenstein, Spillman and Saris, 2003, 434)

Gestalt theory, which also guides George Lakoff's work as a cognitive scientist and linguist. (Ibid; Rice, 1980, 153)

Figure 1



(Wikipedia, 2010a)

From the field of developmental psychology, Jean Piaget's model of assimilation and accommodation also argues that frames are "a psychological necessity." (Rice, 154) Human perception is said to be based on the existence of "schemata", or "abstracted patterns into or onto which information can be organised." (Ibid., 153) When faced with new "sense-data" an individual will either "assimilate" it to his or her schemata by modifying it to the point of conformity or create a new category in which to "accommodate" it. (Ibid.) This process is easily observed in children, who were Piaget's main subjects of study. For instance, upon seeing a zebra for the first time, a child will see "a horse with stripes". At this stage, the information has been assimilated to a "horse" category. An accommodation occurs when the striped horse becomes a "zebra."

These ideas have had an obvious influence on anthropological theories of stereotype and prejudice, which, taken as concepts, represent two other forms of frames of reference in that they are "overarching non-rational belief systems which colour

interpretations of the world.” (Ibid., 154) Here, frames are more specifically seen as “networks of nodes and relations” which serve as “a data structure for representing a stereotyped situation”: they both impose order on experience *and* process it. (Ibid.) For example, if one has a concept of a particular ethnic or racial group as being x, y and z, he or she will only assimilate information regarding that group that conforms to that “x-y-z” frame. If this same individual is put in a situation of having to interact and get to know members of that said group, however, there may arise a need for a reorganization of the schema that informed the previous view, and thus, an “accommodation”, or the creation of another frame.

For Lakoff, who is interested in how “language characterizes knowledge”, what he terms “frame of reference” is more specifically defined as “a conceptual structure used in thinking.” (Lakoff, 2004, 2) Essentially, when one hears a word, its frame is automatically activated in one’s mind. The title of Lakoff’s book, *Don’t Think of an Elephant*, exemplifies this process, where one cannot help *but* think of an elephant when asked *not* to think of one. This is because frames always evoke images “and certain knowledge about them.” (Ibid., 4) The frame for an apple for example, evokes the image of a fruit, which is round and can be red, green or yellow. Frames are “made up of ideas”, which not only evokes what we “know” from seeing something, but what we “experience” like the non-visible “crunchy” and “sweet” of an apple. (Ibid.)

In effect, for Lakoff, a frame is akin to an entry in a dictionary: raw meaning. It is a mental concept of things as we see them *and* think of them. It is on this point that problems arise when debates such as the one at the center of this paper are at stake. Indeed, where there are no physical representations for particular concepts, the same

image and information will not necessarily be activated in everybody's mind. This is because frames are also culturally grounded, or to put it differently, they are informed by "worldviews."

Worldviews

The concept of worldview emerged in the 1970s from a desire by psychologists and ethnoscientists to create formal systems that would explain how individuals go about "understanding" in predictable ways, or how "people go about believing". (Rice, 153) The theories of accommodation and stereotype mentioned above represent some examples. Recalling Piaget's model for instance, schemata were subdivided into categories: universal, idiosyncratic and cultural, where universal schemata were the result of basic human cognitive capacities, idiosyncratic schemata emerged "through the vagaries of each individual's experience", and cultural schemata lied on the continuum in between the two. (Ibid., 154) These cultural schemata, or "socially-given perceptual modes" are those that operate "to produce a recognizable 'weltanschauung,'" or "worldview." (Ibid.)

Worldviews, like frames, thus govern perceptions. As one's mind shuffling between a front or back-facing Necker's cube, they impose order on sense-experience. The nuance between the two concepts is that rather than being based, like Piaget's idiosyncratic schemata, on personal experience, worldviews, are culturally-grounded and represent the "fundamental cognitive orientation" of a whole cultural group. (Ibid.) This understanding would be similar to Lakoff's if "cultural group" is seen as including

political affiliation. Indeed, for Lakoff, liberalism and conservatism *are* worldviews, and he has in fact devoted a whole other book on this subject: *Moral Politics: How Conservatives and Liberals Think* (2002), where these “worldviews” as respectively said to be based on a “nurturing mother” and a “strict father” model. Although the legitimacy of this understanding of conservatism and liberalism is debatable, it is Lakoff’s description in *Don’t Think of an Elephant!* of *how* frames evoke different ideas depending on whether we have a *liberal* or *conservative* disposition that is pivotal to my thesis and, ultimately, a better understanding of the stagnation at the policy level with respect to Aboriginal “self-government”. Indeed, conceptualized as it is by Lakoff, “worldview” explains why people sometimes appear to not “understand” each other, much as is the case in the two self-government debates that will be presented next. For example, while it may not make sense to some Democrats that one could be both “pro-life” and “pro-capital punishment,” it is equally incomprehensible to many Republicans that one could espouse the opposite beliefs. When these apparently contradictory views are placed within the context of the larger worldview to which they belong, however: conservatism and liberalism, they then begin to make sense. (Lakoff, 2004, 6)

An ideology can thus be a worldview, but a worldview is not necessarily an ideology. A worldview is the container for all the ideas and beliefs through which we interpret the world. The fundamental assumption that emerges from this understanding is that different worldviews, or *different normative understandings of the world*, would necessarily impact which ideas are evoked by a particular frame. This is illustrated in Lakoff’s judicious example of taxation policy. (Ibid. 4-5) If we are a Democrat, we probably see taxation as a “necessity to advance the public good”; if we are a

Conservative, it probably evokes something more negative, like: “impediment to job creation because multinational companies do not invest where taxes are high” or “undue intrusion of the government.” How democratic and republican political candidates go about persuading the electorate that their view of taxation should govern their understanding is dependent on how knowledgeable they are in the “art of framing.”

Framing

What Lakoff calls the “art of framing” essentially consists in selling the values of our worldview. (Ibid., 6) More specifically, if we are a political strategist, it consists in selling these values to “the people in the middle,” or to keep with Lakoff’s example, the people who share both liberal and conservative beliefs, which he sees as representing the bulk of the electorate. (Ibid., 4-5) For instance, if we are a Republican and want to sell the conservative value “taxation is a burden,” we should refrain from using the frame “cuts” because a significant amount of people may accept a liberal belief of taxation as “necessity” and “good” and “tax cuts” might evoke the idea “*cutting* good”. (Ibid.,4) The frame “relief” on the other hand, evokes the end of an affliction; combined with “tax”, it creates a new metaphor: “taxation is like an affliction.” (Ibid.) Combined, yet again, with “creates jobs”, what were initially “tax cuts” have effectively been transformed into “public good”, enabling George W. Bush to call for an increase in “tax relief” from \$350 billion to \$550 billion, as he in fact did, and still win the vote of those very Americans, who had absolutely nothing to gain from and additional \$200 billion in what were really, as the Democrats had correctly pointed out, “corporate tax cuts.” (Ibid., 5)

Through this example and others⁶, Lakoff argues that Republicans won the 2004 election by incorporating strong frames of reference to their electoral campaign arguments. But framing efficiently was not the only factor in their success; a second factor was that Republicans were aware, thanks to their think tanks, of two myths derived from the Enlightenment and revolving around the notion of rationality, and in which liberals and progressives, according to Lakoff, firmly believe. The first myth is “the truth will set us free.” (Ibid., 17) According to this idea (which finds salience in rational choice theory), since humans are rational beings, facts are the key to persuading them. The second myth: “people vote in their self-interest.” (Ibid., 18) In reality, according to Lakoff (not only in *Don't Think of an Elephant!* but also in his and Mark Johnson's more erudite and acclaimed *Metaphors We Live By* (1980)), people vote their “moral identity and values”, which are not derived from in any “rational” or “fact-based” system of thought, but are *experientially* derived and find resonance in *language*.

This was the ultimate cause of the Democrat's failure to win the 2004 election, despite their very good arguments that the Republicans' taxation policy did the opposite of what it claimed to achieve. Georges W. Bush was re-elected because the mass of those who had voted their moral identity and values of “additional taxation is an impediment”, at the expense of their economic interests, were those “people in the middle” – the masses – to whom the Democrats had been unable to appeal because they had failed at framing *their* values in a way that evoked their associated liberal worldview. According to Lakoff, they had made two other important mistakes: first, they *negated* the Republicans' frame “tax relief” rather than come up with a new one. When they retorted that “tax relief will *not* create jobs,” as Republicans had been claiming on every television panel that would

⁶ For example, the war on “terror”.

have them, this may have been stating an economic fact, but stating it repeatedly, as they did, simply had for effect to reinforce the frame “relief”, and hence the idea of taxation as an affliction. (Ibid., 4-5) Then, they made a second mistake: they *borrowed* the conservative frame. Indeed, seeing as Bush’s tax relief plan appeared to be more popular in public opinion polls than their arguments that “tax relief does not create jobs”, the Democrats came up with their own tax relief plan. In doing so, not only did they reinforce the metaphor that went along with the republican frame, but also, the conservative *worldview* that requires taxation “relief” by using its frames to sell their ideas. (Ibid.) In doing so, the Democrats had effectively fallen in the “frame trap” that had been set by their opponents. They had been reduced to “arguing the facts” or revamping their policies with conservative spins. (Ibid., 16) It is this same trap, I argue, that awaits at the end of the debate over self-government.

General Precepts

Four general precepts emerge from Lakoff’s work: first, and most importantly, frames shape our understanding of the world. When a person holds a frame, only the facts that fit that frame will be integrated to his or her worldview; facts that contradict that vision, just as Democrats’ corporate taxation facts, will simply bounce off. *Facts alone do not alter beliefs*. This explains the persuasiveness of another republican framing success: a “war on terror.” If no other frame is provided, if the Democrats do not provide a *replacement* frame, only the facts that conform to a “terror” frame will matter to voters, rather than the findings of a 9/11 Committee, which Democrats routinely cited. This is

not because voters lack the intellectual ability to distinguish the truth from fiction, but because it is the way in which cognitive science shows that human beings think. Essentially, we rely on frames because they provide simple answers to complex questions, like: what happened on 9/11? If the answer has been framed as an attempt to *terrorize* Americans, we should thus go to *war against terror*. Anyone who says otherwise must not have American citizens' security at heart, much as anyone who argues against "tax relief" becomes a villain attempting to slay the hero that came up with the plan.

Second, *negating* a frame has for effect to evoke it, which, in turn, reinforces it. In the case of taxation for instance, there already exists a worldview that supports the view of taxation as an "affliction". If taxation is an affliction, he who proposes tax relief is logically seen as the "good guy". Negating "tax-relief", as the Democrats did, therefore not only reinforced the frame, but created a perception of complicity with the "bad guys", or "the people who want us to pay *more* taxes", leading to this public outrage: *do we not already pay out enough of our pay-checks to the government?* and this result: millions of ballots cast by America's poorest in favour of those who promised relief.

Third, borrowing a frame, just like negating it, reinforces it, a situation akin to providing free advertising for the opponent and the *aboutissement* of the frame-trap. Lakoff's ultimate advice to the Democrats, thus: never use their language. If you want to win the debate, you must provide a new language and *reframe* the debate instead of negating or borrowing frames that evoke the values of a worldview contradictory to your own; in other words, not a new *tax-relief plan*, but a freshly-worded plan altogether. This proposed solution and final precept will be further discussed in Chapter 4. Although it

essentially forms the basis for Lakoff's "how to win the debate" manual for Liberals and progressives, it unfortunately does not come equipped with a methodology as to how to *choose* these new frames, i.e. how to determine *which* frames will be more successful in capturing the public imagination, aside from suggesting that the search should begin with knowing our values. As for the first three precepts, they will be useful in assessing the evidence presented in the next two chapters. Indeed, the parties involved in what I call the Innu and Cree "self-government debates" have similarly been reduced to arguing the facts, negating or borrowing frames and essentially, getting caught in the "self-government frame trap".

Before turning to these case studies however, some final words must be said on the concept of "metaphor", which, as has been seen so far, is intimately related to the concept of frame and admittedly, at times, hard to differentiate from it. A better understanding of metaphors will not only make the distinction clearer, but it will provide an increased understanding of the dynamics of some debates, as well as provide more substance to a discussion in Chapter 4 on the power of particular frames that will have emerged from my analysis of the Cree and Innu case studies.

Conceptual and Structural Metaphors

As seen in Lakoff's taxation example, the product of applying the frame "relief" to "tax" was a metaphor: taxation is like an affliction. "Metaphor" is broadly defined as "a figure of speech in which a word or phrase literally denoting one kind of object or idea is used in place of another to suggest a likeness or analogy between them."

(Merriam-Webster Online Dictionary, 2010) Similarly, what Lakoff and Johnson alternately call “structural” or “conceptual metaphors” are those concepts we borrow from one domain to structure concepts from another, or “general mappings across conceptual fields.” (Lakoff, 1993, 1) This would echo the various definitions of frames that have been outlined previously, which define them as “organizing” structures or sets of rules that create order in experience.

Why do we sometimes borrow concepts from one area to describe another? Because metaphors, like frames, *simplify* the task of explaining. Consider Lakoff and Johnson’s example: “argument is war”. “War”, here, is a structural metaphor for argument. (Lakoff and Johnson, 1980, 454) It *qualifies* argument. It says: argument is something that is something like war. Do we not “win” or “lose” debates, “shoot down” our opponents arguments, “defend” our “positions” and use different “strategies” when our “weak points” are “attacked” or prove “indefensible”? War is thus a structural metaphor for argument because it “structures the way we think about argument and the actions we perform in arguing.” (Ibid., 455) The same analogy can be made with the well-known expression “time is money”, where money is the structural metaphor of time. Time cannot be seen or physically handled, but in Western societies, it *is* seen as a valuable commodity – it should therefore come as no surprise that time has come to be conceptualized in terms of money. We buy it, waste it, save it, spend it, invest it. (457) Like “argument”, the activities related to time are metaphorically structured and hence, the language used to describe time is metaphorically structured. (Ibid.) This is not to say that time is a species of money or that argument is a species of war. A metaphor of

money or war simply enables a better *understanding* of the *experience* of argument and time. (Ibid.)

The only information that should be retained from this brief presentation is that although we tend to think of metaphors as literary devices belonging to the realm of poetic expression, making our thoughts more colourful and interesting, and therefore, as being more pertinent to the study of literature than politics, they are actually *necessary*, like frames and worldviews, for human perception. (Lakoff, 1992, 1) They help us make sense of the world we live in because, as it has been shown throughout this chapter, “our conceptual system, in terms of how we think and act” is fundamentally language-driven, or more specifically, “metaphorical in nature.” (Lakoff and Johnson, 454) This brings us back to the first precept of a Lakoffian approach and the reminder it ultimately provides: controlling the way in which the discourse is framed essentially means controlling the image that is put inside.

Chapter II: A Case-Study of the Crees of Northern Quebec

Prior to the publication of the *Report of the Royal Commission on Aboriginal Peoples* in 1996, opinion in the literature regarding the 1975 *James Bay and Northern Quebec Agreement* (JBNQA) was largely that it had traced the path to Cree self-government by providing Cree communities with “considerable authority over their political, economic and social affairs.”⁷ (Feit in Dickason, 1996, 405; Vincent, 1988b, 215; Tétreault, 1987, 117; Indian and Northern Affairs Canada, 1993; Institute on Governance, 1998, 16; Wherret and Hurley, 1999; Cree-Naskapi Commission, 1987, 11) In a brief submitted to the Special Committee of the House of Commons on Self Government, in December of 1984, the Grand Council of the Crees of Quebec (GCCQ) reaffirmed that understanding, stating: “the Agreement itself provides for self-government in many areas and provides for a substantial measure of regional self-government through a range of Cree-controlled entities and institutions.” (Grand Council of the Crees (of Quebec), Cree Regional Authority et al., 1984, 2-3) Indeed, as we will see in this chapter, the JBNQA called for the creation of a number of institutions that would allow the Cree people to have a “substantial measure of autonomy” in those areas over which they had jurisdiction: the Cree Regional Authority, the James Bay Native Development Corporation, the Cree School Board and the Board of Health and Social Services of James Bay; it thus gave them administrative powers not only over areas that had never been within their jurisdiction before, but some of which fell within provincial

⁷ A note on sources: many citations in this paper have been translated from French documents. Where such translations occur, a footnote will follow the quotation marks, and the original citation will be provided. All translations, unless otherwise specified, are my own. The original citation for the quote above: “une autorité considérable sur leurs affaires politiques, économiques et sociales.”

jurisdiction, most notably health and education. (Quebec, 1991, s.14, s.16) Further, the *Cree-Naskapi (of Quebec) Act* (1984), which gave force to the Agreement's chapter on "local government" officially removed Cree bands from under the jurisdiction of the *Indian Act*, enabling them to pass laws for the "good government" of their lands and the general welfare of their residents, without the need for the minister of Indian and Northern Affairs' final stamp of approval. In light of this evidence, it appears reasonable to conclude that the Crees indeed practice a form of "self government", as Royal Commission on Aboriginal Peoples in fact concluded in its authoritative report, although it would go on to say this "delegated form of self-government" ultimately only made possible the exercise of "municipal powers." (Royal Commission on Aboriginal Peoples, 1996a, 317)

The reason I choose the Crees of Northern Quebec as a case-study is precisely because of this sudden break with general opinion. The Royal Commission's position not only ignored legal provisions in the JBNQA and *Cree-Naskapi (of Quebec) Act* that clearly provide for much vaster powers than those of ordinary Canadian municipalities, but empirical evidence suggesting that these are correlated with the Crees' higher quality of life, as compared to other Aboriginal communities, which confirmed the Royal Commission's position outlined in introduction: self-government *could* produce the desired results. However, invested with 58 million dollars to attempt to find solutions to the problem this paper seeks to bring to light, the Royal Commission would only devote a few paragraphs to the Cree model of self-government – in appendix to a chapter on Aboriginal governance, no less. This treatment, I argue, is illustrative of the problematic nature of the concept of "self-government": the actors in the academic debate define self-

government differently and from different *theoretical standpoints*. It is not been a debate over how to enable Aboriginal peoples to return to their once self-governing status, but a one over which *language should govern the debate*, as illustrated in the tension between the frames of reference that have monopolize it, which will emerge in this chapter. Ultimately, the framing of Cree governance as “municipal governance”, would “win”, so to speak, the debate and lead to the shelving of the Cree model, rather than its full assessment for possible applications among other Aboriginal nations.

To paraphrase Grand Chief Ted Moses, my intent is not to show that this model *should* be applied elsewhere, but it does provides “the first demonstration of how Indian self-government might work in practice. It is therefore of great significance to other Indian groups across the country.” (Moses in Canada, House of Commons, 1984, 4:11) To be sure, there have been important implementation and financing problems with the *James Bay and Northern Quebec Agreement* and its sister legislation, the *Cree-Naskapi (of Quebec) Act*; it took the signing of the *Paix des Braves* (2002), nearly thirty years later, to resolve them. But the fact also remains that the Crees of Northern Quebec are one of the most socio-economically well-off Aboriginal nations in the country. This cannot have occurred in a vacuum. There is thus something about the Cree model that warrants more attention than it has been given since the Royal Commission concluded it was not worth anybody’s time – an opinion that largely informed the literature that followed.

In this chapter, I outline some relevant chapters in the JBNQA and the CNQA since they “must be considered as a whole in order to capture the intent and spirit of the exercise and practice of Cree and Naskapi local government.” (Cree-Naskapi

Commission, 2004, 9) This overview will also serve to document the general opinion in the literature *prior* to the publication of the Royal Commission's report, as well as shed some insights on empirical evidence that emerged following the JBNQA's implementation. Then, I present opinion in an academic debate as to the *level* of Cree self-government, which emerged after the publication of the Royal Commission's report. As this analysis will show, this report has not only informed the current position that a Cree model of governance should *not* be seen as a solution to the Aboriginal/Canadian well-being gap, but that it should not be seen as an example of self-government at all. Indeed, later contributors to the academic literature have framed Cree governance in a similar manner, leading to a similar situation where relevant evidence has "bounced out", as George Lakoff would put it, of their analyses, including pertinent socio-economic data showing that their increased autonomy over their affairs, whatever it should be called, is positively correlated with their increased quality of life. Any thorough reflection on the self-government "solution" should therefore begin with a Cree case-study. But first, I present a historical overview of events that culminated in the signature of the *James Bay and Northern Quebec Agreement*, starting in 1971, when a very optimistic politician thought he had come up with the idea of the century.

The Project of the Century

Il ne sera pas dit que nous vivrons pauvrement sur une terre aussi riche!

- Robert Bourassa, 1971

April 30th, 1971: Quebec Premier, Robert Bourassa, announces the “project of the century”⁸ to a crowd of Liberal militants celebrating the first-year anniversary of their party’s election. (Reid, 1971, A1) The project: a \$6-billion hydro-electric development of 5 major rivers in the James Bay region – a project laden with nationalism and the promise of conquering Quebec’s great, mythical North, which would create 100 000 jobs. (Charbonneau, 1970, A1; Vincent, 1988a, 240) Cheers and applause could be heard at the end of the high-tech, slide-show presentation that projected images of the future grandeur of the James Bay development to the sound of a dramatic orchestral score; no pictures of the Indian and Inuit populations, who resided on the coveted territories, to be seen on any giant screen, however. (Appendix 1) They would only learn about the “project of the century” the next day, on the radio.⁹ (Reid, A1; Moses, 2002, 26)

It is surprising that Robert Bourassa had not consulted – let alone informed – these local indigenous populations. Indeed, the *Rapport de la Commission d’étude sur l’intégrité du territoire du Québec* (1971) (Dorion Report) had concluded just a few months earlier that legal documents¹⁰ confirmed Aboriginal peoples’ rights to roughly

⁸ “projet du siècle”

⁹ The announcement also came at a time when most Cree hunters were out in the bush. This was an aggravating factor in the speed of the Crees’ response to the project. (Diamond in Canada, House of Commons, 1977, 6:4)

¹⁰ The most significant “debt” is found in the *Boundaries Extension Act of 1912*, which extended Quebec’s boundaries to include all territories (excluding Labrador) above the 50th parallel.

85% of Quebec's territories, and explicitly recommended that the government "sign an agreement with [them] that would clearly extinguish any debt, no matter the nature – individual or collective – of the Quebec State toward them."¹¹ (Commission d'étude sur l'intégrité du territoire du Québec, 389) The Indian Association of Quebec (IAQ), the only Aboriginal organization in the province at the time, was understandably thrilled by the declaration: an official governmental document finally recognized that Aboriginal peoples had rights! (Trépanier, 1971, B7) Although it had reservations with respect to the chapter dealing with their political future, the publication of the *Dorion Report* represented an important victory for the IAQ, which had demanded recognition of these rights for all Aboriginals living in Quebec since its inception, in 1967. (Ibid.)

It would be another year before negotiations concerning the rights of those most impacted by Robert Bourassa's project would be undertaken, however – until a young Charlie Watt had assembled a group of Inuits and created the Northern Quebec Inuit Association (NQIA) to join forces with the IAQ-represented Crees, led by an equally young Billy Diamond, and filed an injunction, in May of 1972, for the halting of works on what was already being called the biggest construction site in the world.¹² (Makivik Corporation, 2010) In a precedent-establishing ruling, Superior Court Justice Albert Malouf would grant that injunction, basing his decision, like Mr. Dorion, on the fact that Quebec became legally bound to resolving Aboriginal land claims when it signed the

¹¹ "de signer avec les Indiens du Québec une entente qui soit reconnue comme éteignant toute dette de quelque nature, individuelle ou collective, de l'État québécois envers les Indiens."

Mr. Dorion's conclusion that Aboriginal Peoples had "certain rights" on that territory was based on the following passage in the *Boundaries Extension Act*: "the province of Quebec will recognize the rights of the Indian inhabitants in the territory above described to the same extent, and will obtain surrenders of such rights in the same manner, as the Government of Canada has heretofore recognized such rights and has obtained surrender thereof, and the said province shall bear and satisfy all charges and expenditures in connection with or arising out of such surrenders." (Maton, 2010)

¹² Naskapi and Innu populations also resided on this territory. An agreement would eventually be signed with the Naskapis. As for the Innus, they remain in negotiations, as will be seen in the next chapter.

Boundaries Extension Act in 1912. (Indian and Northern Affairs Canada, 1993; Proulx, 1982, 21; Vincent, 1988b, 221) Although the ruling would immediately be appealed by government lawyers, Premier Bourassa would not wait for the Quebec Court of Appeal's final decision: four days later, perhaps seeing the possibility of his dream of harnessing the hydro-electric forces of northern Quebec rivers turning into the front-page news headline, "James Bay Hydro: Unaccomplished Dream of the Century", he instead announced his decision to negotiate a settlement.¹³ (Vincent, 1988b, 221)

A preliminary offer was put on the table: \$100 million in compensation, and hunting, fishing and trapping rights over 2000 km² of land. After a few months of

¹³ The Malouf ruling was overruled a week later (although legal requirement that Quebec negotiate a treaty covering the territory were not overturned). (Proulx, 1982, 20) It can be speculated that two other rulings handed down earlier – the Calder case and the Paulette caveat – also played in the government's decision to return to the negotiations table, by showing "that it was no longer possible for governments to deny the legal existence of Aboriginal land rights." (Rynard, 2000, 216) A brief description of these cases is provided below.

The Calder case: In 1969 the Nisga'as filed a suit against the government of British-Columbia arguing they had a title on their ancestral land, but the BC Supreme Court rejected it. The Nisga'as thus went to the Supreme Court of Canada, which acknowledged that the existence of native rights was not only supported by the Royal Proclamation of 1763, but also on the fact that Aboriginal societies lived according to their customs and method of organization on the territory, prior to the arrival of the Europeans. This decision in what is known as the "Calder Case" was rendered in February of 1973 and led to an important revolution in the Aboriginal rights movement because it meant that the Royal Proclamation was not the only source of Aboriginal rights, since they could exist outside the territory referred to in the Proclamation. (Indian and Northern Affairs Canada, 2003; Morin in Gagnon, 40-41) According to the Royal Commission on Aboriginal Peoples, it also led the government to adopt its first lands claim policy. (Royal Commission on Aboriginal Peoples, 1996a, 220) The JBNQA would be the first agreement concluded in the context of that policy. (Dupuis, 2002, 139)

The Paulette caveat: In 1973, a group of Dene chiefs, led by François Paulette, filed a caveat at the land titles office in Yellowknife, Northwest Territories, claiming a title over 400 000 square miles of land in the Mackenzie valley by virtue of their aboriginal rights. They also demanded the suspension of all future developments (such as the proposed Mackenzie Valley pipeline) until property over the land was clearly established. The office referred the caveat to the Supreme Court of the Northwest Territories, where Judge William Morrow ruled in the Denes favour. Three of his conclusions have been especially pivotal with respect to Aboriginal rights: 1) that the Denes were "*prima facie* owners of the lands covered by the caveat", 2) that they have "what is known as aboriginal rights" and 3) that "there exists a clear constitutional obligation on the part of the Canadian Government to protect the legal rights of the indigenous peoples in the area covered by the caveat." (Morrow, 1973) The ruling was appealed by the Federal government, and the Supreme Court of Canada eventually overruled it, but only on a point of law – it did not refute Morrow's definition of Aboriginal rights. Soon after this ruling, the government accepted to negotiate with the Yukon Native Indian Brotherhood and provide the organization with funds to do so, implying, in doing so, that it recognized their rights. The government also instigated an inquiry into development of the Mackenzie valley, which is known as the Berger Report. (Proulx, 47) Finally, the Morrow ruling also had an important impact on the situation in the James Bay. Even if the ruling did not confirm that Aboriginals had a title on the land, it "put the government in the position of having to determine through the courts or by political negotiations with the native peoples whether a legal claim did exist and if so what it was worth." (*Native claims we now heed*, 1974, A6)

deliberation and consultations within their communities, the Crees and the Inuits would reject the offer; their main grievances concerning the size of the territories awarded in the deal and Quebec's refusal to make any modification to the project, whatsoever – not, as has sometimes been suggested, the financial compensation. (Cléroux, 1974a, A1; Diamond in Canada, House of Commons, 1977a, 6:7) It should be noted that around this time, relations between Cree and IAQ leaders were becoming strained, as it became clearer to the latter that the former were more interested in negotiating a *general* settlement for all Aboriginal people of Quebec, rather than a *particular* settlement for them.¹⁴ (La Rusic, 1983, iii; Tétreault, 80; Diamond, in Tétreault, 215) In May of 1974, the Crees thus decided to leave the association; three months later, on August 16th, the Grand Council of the Crees of Quebec (GCCQ) was born. It was at this point – the beginnings of a real Cree political organization – that negotiations toward an agreement truly got under way.¹⁵ (Tétreault, 81; Proulx, 22) Within another three months, on November 15th, 1974, a picture of the Crees and Inuits finally made the story: together with then-minister of the department of Indian Affairs and Northern Development, Judd Buchanan, and Premier Robert Bourassa, all smiles, at the signing of an agreement-in-principle. (Cléroux, 1974b, A10) That same day, the IAQ also called a press conference: to denounce the “trickery” that had just occurred behind other Aboriginal peoples' back. (Dumas, 1974, 1) Indeed, according to its president and Grand Chief of the Kahnawake

¹⁴ The *Dorion Report* gave the IAQ a strong argument to support that position.

¹⁵ It should be noted that although they did share a common culture and language, the 8 Cree communities (9 today) that were affected by the James Bay project had little communication between each other prior to 1971 and thus lacked the necessary political unity to advance their cause. (La Rusic, 1979, 2; Salisbury, 1986, 4; Isaac, 1991, 20) It was only a few months after the announcement that construction had begun at the La Grande Complex that the chiefs of each community first met to discuss their strategy and mandated the IAQ to negotiate with the government in their name. (Tétreault, 77)

Mohawks, Andrew Delisle, the Crees had essentially “sold themselves off for mirrors.”¹⁶ (Ibid.) According to journalist and author, Roger Lacasse (1983), this attitude represented a good reflection of the general animosity within the IAQ after being snubbed by the Crees and the Inuits and removed from the negotiations process. (493) Delisle’s snipping remarks would have no impact on the drafting of a final agreement, however. Negotiations would go on “non-stop” from November 15th, 1974 to November 11th, 1975, when the *James Bay and Northern Quebec Agreement* was finally signed, with a collective sigh of relief, a few moments before the midnight deadline. (Ibid., 494)

The James Bay and Northern Quebec Agreement

If the JBNQA had been summarized in two words in the 1980s or early 90s, they might have been “rights exchange”. (Morin, 2002, 42; Gourdeau, 2002, 25; Couture, 2002, 63; Tétreault, 91) Indeed, in signing it with the provincial and federal governments, Hydro-Quebec and the James Bay Energy Corporation, the Crees essentially agreed to “cede, release, surrender and convey” all their “Native claims, rights, titles and interests, whatever they may be, in and to land in the territory and in Quebec,” in exchange for a series of specific rights that touched upon preservation and development of their resources, cultures and communities. (Quebec, 1991, s.2.1) Some authors have referred to this “exchange” as one of “poorly-defined” ancestral rights for the “clear rights” outlined in the Agreement. (Gourdeau, 25) Others, JBNQA critics like the IAQ, would

¹⁶ “se sont vendus pour des miroirs”

speak of downright “rights extinction”, but according to testimony by Billy Diamond, then-Grand Chief of the GCCQ, before the Standing Committee on Indian Affairs and Northern Development, “the Cree people knew that by accepting the *James Bay and Northern Quebec Agreement* they were not terminating their rights and the right to being an Indian.” (Diamond in Canada, House of Commons, 1977a, 6:13) Instead, they felt they had “reinforced their identity as Crees.” (Ibid.) Further, they felt that for the first time in the history of their relation with the government of Canada, their rights were no longer seen as “privileges” like the ones awarded in the *Indian Act*. (Diamond in Canada, House of Commons, 1977b, 7:14) More importantly, these rights could not be taken away without their consent because the JBNQA has precedence over other federal and provincial laws and regulations and because section 35 of the *Constitution Act* protects them by guaranteeing “existing aboriginal and treaty rights.” (Ibid.; Canada, 1982, Part II, s.35) For these reasons, the Crees have often referred to the Agreement as their “Charter of Rights” or as Ted Moses put it, something akin to “the constitution of a new country.” (Couture, 63; Diamond, 1985, 282; Moses in Canada, House of Commons, 1977a, 8:8)

Among the Crees’ new rights: “the exclusive use and benefit” of 4722 km² of category I lands.¹⁷ (Quebec, s.5.1.2) Although Quebec would retain “bare ownership” and “subsurface rights” on these lands, the Crees would now have a veto over the use of those rights by the province, which was also legally bound to provide compensation if it chose

¹⁷ An entire paper could be written on the land regime in the JBNQA. Essentially, 3 categories of land were created: category I lands, “for the exclusive use and benefit of Aboriginal people”; category II lands, which remained under the jurisdiction of the province, but on which “Native governments share management for hunting, fishing and trapping, tourism development and forestry” and where the Crees retained “exclusive hunting, fishing and trapping rights”; and category III lands, “a special type of Quebec public lands” where “both Native and non-Native people may hunt and fish...subject to regulations adopted in accordance with the agreements,” but where “Aboriginal groups have exclusive rights to harvest certain aquatic species and fur-bearing mammals and to participate in the administration and development of the land.” (Indian and Northern Affairs Canada, 1993)

to develop lands and resources beyond those outlined in the Agreement. (Ibid., s.5.1.3) Another “exclusive right” and especially important one, according to the Crees: to hunt, fish and trap on 69 995 km² of category II lands – a significant improvement from what had initially been offered by Robert Bourassa, in 1973, and clearly, a result of their own insistence. (Diamond, 1985; Quebec, s.5.2) The most significant right the Crees felt they had gained through the JBNQA, however, was “the freedom to choose between two societies.” (Diamond in Canada, House of Commons, 1977b, 6:13) Indeed, thanks to a novel, and to this day, very successful Income Security Program for Cree Hunters and Trappers, they could now “lead a traditional way of life”, which was secured by the program, or “pursue a modern industrial society way of life.” (Ibid.)

Aside from defining specific rights, resolving land claims and providing \$135 million in monetary compensation for the destruction of parts of their hunting territories, the JBNQA also called for the creation of a number of institutions which have been argued to “give the Crees considerable means to increase their autonomy and promote their cultural, social and economic development.”¹⁸ (Tétrault, 92; Feit in Dickason, 405) It is useful to examine the provisions regarding two of these in particular: the Cree School Board and the Cree Board of Health and Social Services of James Bay, before moving onto a discussion of the element that has been said to be most directly related to “self-government” in the JBNQA: that “special legislation concerning local government” called for in Section 9, which would eventually become the *Cree-Naskapi (of Quebec) Act*. (Quebec, s.16, s.14, s.9.1) Indeed, the academic debate over “Cree self-government” has not only been centered on provisions contained within that particular legislation, but

¹⁸ “des moyens importants aux Cris afin qu'ils puissent accroître leur autonomie et favoriser leur développement culturel, social et économique.”

also, and unsurprisingly since they are generally associated to the provincial realm, on the Crees' increased latitude in the administration of education and health.

Cree Education

Prior to 1975, schooling in the Cree communities of the James Bay region was controlled by Catholic and Anglican missionaries; in the 1960s, by the Department of Indian Affairs and Northern Development (DIAND); and from 1968 on, by both DIAND and the Commission Scolaire du Nouveau Québec. (Namagoose, 2004, 3; Canada, House of Commons, 1984, 27) Throughout this period teachers were all non-Aboriginal, the curricula and textbooks were created and written by non-Aboriginals and classes followed a Western school-calendar.¹⁹ (Canada, House of Commons, 1983, 27; Cree School Board, 2006, 4) After the enactment of the JBNQA however, the Crees now had “jurisdiction and responsibility for education within category I and II lands.” (Quebec, s.16) This was the result of their direct involvement in negotiations toward the JBNQA, which included “working on education [and] setting up our own Cree school board.” (Diamond in Canada, House of Commons, 6:12) Thus, from 1977 on (when the JBNQA received royal assent), a newly-created Cree School Board would decide what made it on the school curriculum, “select suitable textbooks, hire appropriate teachers and adopt a distinctly Cree school calendar”. (Cree School Board, 4) This gave the Crees powers “unequaled in other school boards across the land, and certainly beyond comparison with powers related to the administration of other Indian boards in Canada.” (Canada, House

¹⁹ According to the Makivik Corporation, this calendar was problematic because it did not take into account Cree hunting seasons. In the summer, the Crees tend to remain in their villages, while in the fall and spring they go hunt in the bush for months at a time. Many children would miss school for extended periods for this reason. (Makivik, 2010)

of Commons, 1983, 29) More significantly, an amendment to the *Charter of the French Language* ensured education in Cree schools could now be dispensed in the Cree language.²⁰ (Quebec, 1977, s.VII, a.88) As Cree negotiator, Philip Awashish, put it, this ability to determine the language of education would be “instrumental in the preservation of Eeyou culture.” (Awashish in Gagnon, 156)

Language has long been described as the essence of culture; governmental officials and missionaries were well aware of this relationship when they created the infamous residential school system, which was based on the idea that by *not* allowing Aboriginal youths to speak their language (or practice their religious beliefs and rituals), “the heart and soul of Indian cultures would be removed” in a process of “de-indianizing the Indians.” (Canada, House of Commons, 1983, 27) Reclaiming control over language of education was thus a goal of Aboriginal peoples since it was timidly voiced in *Citizens Plus* (the “Red Paper”) and more assertively so in the *Report of the Special Committee on Indian Self-Government* (1983), where it was described “as an essential component in strengthening Indian culture and preserving Indian heritage.”²¹ (Canada, House of Commons, 1983, 29)

Empirical evidence is supportive of the claim that control over language of education has significant social repercussions. In the case of the Crees, according to data collected by the Task Force on Aboriginal Cultures and Languages and Statistics Canada,

²⁰ It was also amended to make Inuktitut the language of instruction in Inuit communities. Classes are taught strictly in Cree and Inuktitut until grade 3. (Quebec, 1977; Makivik, 2010)

²¹ *Citizen Plus* was the official response of the Indian Chiefs of Alberta to the 1969 *Statement of the Government of Canada on Indian policy* (White Paper). The document argues that “the only way for us to maintain our culture is for us to remain Indians... We want our children to learn our ways, our histories, our customs and our traditions.” (Indian Chiefs of Alberta, 1970, 5) It also called for the creation of an Indian Education Center, a learning environment in which “Indian men, women and children may develop a deep understanding of themselves”, through, among other things, the “development and maintenance of Indian languages and heritage.” (Ibid., 58)

while only 12% of Canada's First Nations²² still had a "flourishing language"²³ in 2005, 89% of the Crees were fluent in theirs.²⁴ (Canada, Task Force on Aboriginal Languages and Cultures, 2005, 34; Armstrong, 1999, 3) In another empirical study on the Crees' quality of life post-Agreement, Martin Papillon (2008b) also concluded that the Board's ability to provide "early childhood and elementary education in Cree and Inuktitut certainly has a lot to do with the healthy state of Aboriginal languages in JBNQA communities." (10) It can therefore be said that the objective of the education section, to give "Cree control of Cree education" based on a desire by Cree parents to have their language taught in schools so their children could speak it and write in properly, has been achieved. (Diamond in Canada, House of Commons, 1977b, 7:5)

This approach to the preservation of language at the community level would in fact turn up as a recommendation in the *Report of the Royal Commission on Aboriginal Peoples*, which argued that the revitalization of traditional languages was a key component in the maintenance of healthy communities. (Royal Commission on Aboriginal Peoples, 1996d, 617-618) Indeed, Statistics Canada uses language as an indicator of community well-being precisely because it is seen as "a proxy for how successfully traditional culture has been preserved." (Armstrong, 1999, 16) The ability to "[determine] Aboriginal language status" was also seen as a "core power in Aboriginal self-government" by the Royal Commission, which recommended that the Canadian government empower Aboriginal Peoples to "[use] and [promote] their language and

²² 21 nations out of 171.

²³ The Taskforce calculates language vitality according to the Bauman scale (see Bauman, James. 1980. *A Guide to Issues in Indian Language Retention*. Washington: Centre for Applied Linguistics.) A "flourishing" language is defined as one that has speakers of all ages, where intergenerational transmission occurs and where use is supported in the community, the home and school. (Canada, Task Force on Aboriginal Languages and Cultures, 2005, 34)

²⁴ Similarly, 82% of the Inuit, who are also signatories of the JBNQA, and who also have their own school board, speak Inuktitut. (Statistics Canada, 2001)

[declare] them official languages within their nations, territories and communities where they choose to do so.” (Royal Commission on Aboriginal Peoples, 1996d, 617-618) This stress on the language-component of governance mirrors conclusions in the *Report of Special Committee of the House of Commons on Indian Self-Government*, better known as the “Penner Report”, which offered that while residential schools and forced education in French or in English had clearly played a key role in the erosion of Aboriginal languages, “most [Aboriginal communities] operate under the *Indian Act* and do not therefore have the legislative tools available under self-government arrangements that would enable them to strongly promote the use of their languages for official functions.” (Canada, House of Commons, 1983, 18) In the case of the Crees, JBNQA provisions certainly ensured they would. All courses are taught in Cree until grade 3, the pivotal learning years. Cree is likely the “unofficial” official language in all Cree communities, because it has been taught in this way for the past three decades.

Cree Health

The JBNQA also called for the creation of a Cree Board of Health and Social Services of James Bay (CBHSSJB), which would be responsible for the administration of “appropriate health services and social services for all persons normally resident or temporarily present in the Region.” (Quebec, 1991, s.14.0.3) As in the case of the Cree School board, the CBHSSJB provides its services in the Cree language and in a way that

incorporates Cree traditional values. This would also have a significant impact on Cree health.²⁵

As mentioned in introduction, Aboriginal peoples' overall health is in dire straits. According to a report published by the Department of Indian Affairs and Northern Development in 1980, the infant mortality rate was actually two and a half times the national average, while accidents, violence and poisonings were the number one cause of death. (DIAND in Canada, House of Commons, 1983, 14) This situation could not be resolved by simply "putting in more medical services"; focus had to instead be on enabling Aboriginal Peoples to take "responsibility for their own health." (Ibid.) Indeed, this state of "social disintegration and deprivation" was still evident in the mid-nineties, when the Royal Commission was gathering data in preparation for its own report. It found that Aboriginal people endured ill health "at rates found more often in developing countries than in Canada." (Indian and Northern Affairs Canada, 1996b) The troubling comparison was further emphasized in Cindy Blackstock's *Same Country, Same Lands, 78 Countries Behind*. Her findings were based on a 2001 study ordered by INAC, which concluded that, when UNHDI indicators were used to calculate their respective levels of well-being, "considerable differences remained" between the Canadian and registered-Indian populations. (Cook, Beavon et al., 2007, i; Blackstock, 2001, 131; Assembly of First Nations, 2010)

Prior to the vesting of administrative control over health in Cree hands, their overall health was also in dire straits. According to data collected by the CBHSSJB, before it began delivering services, in 1978, "the status of Cree health reflected patterns

²⁵ These services are currently dispensed in a regional hospital in Chisasibi, coastal CLSCs in Whapmagoostui, Wemindji, Eastmain and Waskaganish, and inland CLSCs in Mistissini, Waswanipi, Ouje-Bougoumou and Nemaska.

similar to that of developing countries”, with high infectious disease and infant mortality rates, such as those that prevail in many other Aboriginal communities across the country to this day. (Torrie, Bobet et al., 2005, 66) As of 2003, still according to the CBHSSJB’s findings, the infant mortality rate²⁶ has dropped to only slightly higher than that of Quebec and while the total death rate from infectious and parasitic diseases was five times Quebec’s average in the decade that followed the signing of the Agreement, this rate also fell – to below average – after 1986. (Ibid., 62) Similarly, gastrointestinal outbreaks such as those that occurred in 1980²⁷ have never reoccurred, and “tuberculosis rates, while historically higher than Quebec, have steadily decreased.” (Ibid., 66) Further, this reduction in mortality and infectious diseases rates could be correlated to the success of the CBHSSJB’s “immunization program for major infectious diseases, along with an effective tuberculosis control program” – programs created in response to *particular* Cree conditions, *by* Cree service coordinators and administrators with far more first-hand knowledge of Cree health and social needs than say, Department of Health officials in Quebec City.

Richard Salisbury (1986) had predicted this outcome long before these data became available, seeing it as a given that one of the implications of the taking over of the administration of local and regional health services by the Crees would necessarily be that these would become “more responsive to local needs.” (74) Other Indian reserve communities, still under the jurisdiction of the *Indian Act*, they did not see comparable

²⁶ Not including infants who die of incurable genetic diseases.

²⁷ In 1980, four Cree communities experienced major gastro-enteritis outbreaks. Many children died as a result. This occurred during a period of “administrative confusion and jurisdictional disputes” between the federal and Quebec governments concerning the implementation of the JBNQA. (Torrie, Bobet et al., 62) Each level of government argued the other was supposed to fund Cree health and social services; serious deterioration in infrastructure and services ensued. Media attention, Cree lawsuits and government reports finally prompted major governmental investments in socio-sanitary infrastructures during the early 1980s. (Ibid.) After that, public health measures and sanitary conditions rapidly improved. (Ibid.)

outcomes in the same period. For instance, according to RCAP, total infant death in Aboriginal communities was still about twice the national average, while tuberculosis rates were 43 times higher. (Royal Commission on Aboriginal Peoples, 1996d, 108, 139) Although worrisome health problems such as alcoholism, obesity and diabetes have not decreased in Cree communities and are in fact on the rise²⁸, the CBHSSJB expects their current staggering rates to follow a similar downward trend in the next decade, as it takes a more “Cree focused and community controlled direction,” following from the signature of the *Agreement Respecting a New Relationship Between the Cree Nation and the Government of Quebec*²⁹ (Paix des Braves) in 2002, which provided it with more appropriate financial resources “to fully implement [the health section] of the *James Bay and Northern Quebec Agreement*, our first modern treaty.”³⁰ (Torrice, Bobet et al., i)

Lastly, as in the case of Cree control over education, this community-based approach to health has been strongly supported by the *Penner Report* as a means to

²⁸ According to the CBHSSJM, this could be explained in that, “until very recently, [the Board] offered almost no effective, population-based education concerning prevailing health problems and methods of preventing and controlling them. It was not able to predict the diabetes ‘epidemic’, although such patterns in other Aboriginal groups had already been reported. Ten years after nurses had first warned about this emerging problem, the CBHSSJB was unable to respond due to chronic under-financing and lack of capacity.” (66) See footnotes 27 and 30 for more details on that “chronic under-financing.”

²⁹ The *Paix des Braves*, also referred to as Quebec’s first “nation to nation” agreement, essentially allowed Quebec to pursue two hydroelectric development on JBNQA territories (the Eastmain-1-A and Rupert Diversion projects) and increased Cree participation in the economy, most notably in the areas of hydroelectricity, mining and forestry (by guaranteeing employment). It also provided monetary compensation indexed to the annual value of the resources extracted (including revenues derived from the two new hydroelectric projects at the source of the government’s desire to negotiate: the Eastmain 1-A and Rupert River Diversion Hydropower Project). (Papillon, 2008b, 17) Lastly, it transferred Quebec’s responsibilities under the JBNQA for regional and social development to the Cree Regional Authority, facilitating, for instance, a more focused funding of health programs in areas of need, as noted by the CJBSSSH above. According to the GCCQ, the *Paix des Braves* allowed it to more “properly carry out these responsibilities in accordance with priorities and means which we, the Cree, deem appropriate for our own development.” (Grand Council of the Crees, 2010)

³⁰ Although the Agreement gave the Cree significant control over their health, it admittedly took many years to implement these changes. The purpose of this paper is not to outline how the JBNQA has failed the Cree. but rather, point to those elements (powers and structures), combined with the CNQA, that have been said, in the self-government literature, to *enable* Cree self-government. Suffice it to say that complaints in the area of health mainly revolved around financing. This might not have been an issue had the agreement been signed in a unitary State. Indeed, the principle reasons for delays in financing were disputes between Ottawa and Quebec. Nevertheless, the CBHSSJB maintains that “significant improvements in the populations’ health and in the health services available” have occurred. (Torrice, Bobet et al., 2005, x) The signature of the more recent *Paix des Braves* has helped speed improvements by providing a new, clearer, financing agreement. (Ibid.)

control the “problems to which health is linked.” (Canada, House of Commons, 1983, 35) Indeed, health is not an isolated issue that can be resolved from the top down, which is the current approach in other Aboriginal communities. The problem, according to Keith Penner, was the “array of bureaucratic and legislative obstacles that limit their ability to act.” (Ibid., 14) Improving the state of Aboriginal peoples’ health thus required “the exercise of Indian self-government.” (Ibid., 35)

Band Membership

A significant other element supporting the thesis, in a “pre-Royal Commission” literature, that the JBNQA has put the Crees “on the path to self-government”, and which should be mentioned before moving on to a discussion of the *Cree-Naskapi (of Quebec) Act*, can be found in Section 3, which stipulates that any person of Cree descent or “who is recognized by one of the Cree communities as having been on such date a member thereof” is admissible as a beneficiary. (Quebec, 1991, s3.16) In the case of other Aboriginal communities (excluding those who have signed other self-government agreements, such as the Nisga’as, Sechelts and Yukon First Nations), INAC retains the power to decide “who is an Indian” and therefore, who can obtain the benefits derived from “Indian” status. As constitutional law expert Thomas Isaac (1991) noted, the Crees’ ability to decide who is a member of *their* communities and derive benefits from *that* membership (i.e the specific rights and financial compensation outlined in the Agreement), is not only indicative of a greater degree of autonomy in their affairs, it is also indicative of a certain degree of sovereignty, comparable to that of the State to grant

citizenship. (17) Further, the *Penner Report* specifically endorsed “membership determination” as a key aspect of self-governance, arguing that “control over membership is not only a right, [but is] essential to ensure cultural, linguistic and ethnic survival.” (Canada, House of Commons, 1983, 54)

A “Special Legislation”: The Cree-Naskapi (of Quebec) Act

While the Crees’ control over health and education can arguably be said to be indicative of an increased autonomy in their political, social and cultural affairs, the provisions in Section 9 of the JBNQA are those that most clearly deal with an idea of “self-government.” When the “special legislation” called for in this section – the *Cree-Naskapi (of Quebec) Act* (CNQA) – was assented to on June 14th, 1984, the media reported that it “finally [gave the Crees] the authority to form governments.” (Canadian Press, 1984, A11) Then-minister of DIAND, John Munro, concurred: the CNQA aimed at enabling “the Crees and Naskapis to take responsibility and have authority over their own forms of self-government.” (Munro in Canada, Parliament, House of Commons, 1984, 4488) Self-government was in fact “the central theme” of the Act and had been “central to all discussions and negotiations that have taken place since the signing of the [JBNQA]”, or to put it in Phillip Awashish’s words, the *Cree-Naskapi (of Quebec) Act* was “the legislative framework for Cree self-government.” (Ibid.; Awashish in Canada, House of Commons, 1984, 4:29) Indeed, the CNQA is usually referred to in the pre-Royal Commission literature as “the first Indian self-government legislation in Canada.” (Cree-Naskapi Commission, 1987, 2; Dickason, 412; Institute on Governance, 1998, 17;

Vincent, 1988b)

The Act essentially did two things: first, it officially removed the Cree people from under the jurisdiction of the *Indian Act*, which basically meant that Cree bands would “no longer be administrative extensions of the Department [of Indian Affairs and Northern Development]”. (Moses in Canada, House of Commons, 1984, 4:11) In order to do this, all bands had to be reconstituted into corporations, or to borrow the Act’s legal lingo, “natural persons.” (Canada, 1984, a.22.1) This would resolve a problem that had previously been outlined in the *Penner Report*: the fact that “bands and band councils are creatures of the *Indian Act*.” (Canada, House of Commons, 1983, 19) According to Keith Penner, this situation meant that

all their legally recognized powers are defined in and, more importantly, limited to those specifically mentioned in the Indian Act. Many important matters necessary to the functions of government in modern society are omitted from the Act. These omissions have resulted in great uncertainty about the legal capacity of bands and of band councils and have raised questions as to whether a band council can sign contracts, bring lawsuits, and generally act in the name of the band. (Ibid., 18)

The moment Cree bands were incorporated, by contrast, they now had the “capacity, rights, powers and privileges of a natural person.” (Canada, 1984, a.22) Unlike other Aboriginals still under the tutelage of INAC, thus, the Crees could finally sign contracts, own property and take legal actions in their own name. (Ibid.; Cree-Naskapi Commission, 1986b) Indeed, Canadian courts had previously held that bands could not sue or be sued, or acquire title to their land, but by incorporating as companies Cree bands’ legal status had been clarified so that they could “carry on business ventures, own

land or undertake other activities for the benefit of the band.” (Canada, House of Commons, 1983, 18)

According to Thomas Isaac (1994), this notion of “natural person” at the basis of incorporation, was an important one in supporting a thesis that the Crees were self-governing. (238) Indeed, although federal and provincial governments retained sovereignty and therefore, remained the only levels of government able to exercise powers that necessarily exceeded those of Cree corporations, their capacity to “wield power against the best interests of the Aboriginal peoples, in favour of other interests, [was] undermined significantly.” (Ibid.) In essence, although the JBNQA had greatly increased the Crees’ autonomy through the creation of various institutions, this had only rectified the power imbalance that had defined Cree-State relations until then on paper. This is because until the CNQA was adopted, the Agreement stated that “the *Indian Act* shall apply” to all category I lands. In other words, even if band councils *had* been granted powers to administer their lands through the Agreement, they could only apply and coordinate INAC’s programs and policies in the meantime. (Quebec, 1991, s.9.0.2; Tétreault, 85, 139) From the moment Cree bands were incorporated however, that power imbalance was rectified in practice.

The second thing the Act did was to provide incorporated bands with the power to act as “the local government authority” on their Category I lands and administer and manage the said lands as if they were “the owner thereof.”³¹ (Canada, 1984, a.109.2) This would be achieved through the vesting, in band councils, of the authority to pass

³¹ This echoes section 5 of the JBNQA, which already stipulated that those lands were put aside for “the exclusive use and benefit of Cree bands.” (Quebec, 1991, s.5.1.2) The only notable difference between the language of the Agreement and the Act in this respect is that the CNQA gives the Cree rights not only over the lands, but over the “natural resources thereof.” (Canada, 1984, art.109.2) Quebec, as in the Agreement, retained bare ownership. (Ibid., art.109.1)

bylaws for the “good government” of their lands and “all residents thereof”. (Ibid., a.45.1) Effectively, this translates into the power to legislate and this, in a host of areas: from public order and security, health and hygiene, the operation of businesses (including the issuing of permits or licenses), to land and resource use and zoning, taxation³², environmental protection, hunting, fishing and trapping, and band council internal administration and elections. (Ibid., a.45.1c-48.65) Although other Aboriginal band councils can also pass bylaws in their communities, the most notable difference between Cree bylaws and say, Innu bylaws, is that the former cannot be disallowed³³ by the Minister, Cree band councils no longer being creatures of INAC. (Canada, 1985, a.83) As noted in the *Penner Report*, this “power of discretionary control” was extremely limitative because it led to “interminable technical complications to accomplish the simplest act.” (Canada, House of Commons, 1983, 21) For instance, the minister, having trust responsibilities “in relation to band moneys”, this prevented him “from permitting band governments to control their own assets and to use them as they would wish for their own development.” (Ibid.) Following from provisions in the CNQA, however, the Crees can enact their own budgets and direct those moneys where they feel they are needed. If they wanted to develop their lands, for instance, they could “enact zoning and building by-laws, among other matters, powers that bands [governed by the *Indian Act*] do not have now.” (Ibid., 21) Further, Cree band councils, unlike Innu band councils, have broader jurisdictions and can legislate in the areas of land and resource use, taxation, internal administration and elections, as well as traditionally provincially-held

³² For local purposes and by other means than income tax.

³³ Except where hunting, fishing and trapping are concerned, if they infringe on the rights already set out in the JBNQA, and with respect to elections, to ensure that they contain all the necessary elements for a functional electoral system, according to Daniel Tétreault. (117)

jurisdictions of successions, the environment, natural resources and hunting, fishing and trapping. (Canada, 1985)

Some Criticisms

Before moving on to a literature review on the debate over Cree self-government, it is worth examining the two main criticisms that have been made concerning the thesis that the CNQA, in particular, has enabled the Crees to be self-governing. Indeed, it should be stressed that the intent of the demonstration in this and the previous sections is not to present the JBNQA and CNQA as some sort of glorious example of what self-government is or what it can achieve. The goal is to present a concise overview of the facts, as they are available in an older, but not to be discounted, Cree self-government literature.

The first criticism concerns the Act's object. According to Daniel Tétreault, if it were conform to this object, "it would speak of legislative powers."³⁴ (114) Indeed, the *Sechelt Indian Band Self-Government Act* (1986), another so-called self-government act adopted two years after the CNQA and largely modeled on it, *does* refer to legislative powers: instead of bylaws, the Sechelts' Act refers to the power of bands to pass "laws". However, as Tétreault goes on to point out, from a judicial point of view, there is not "much of a difference between 'bylaws' and 'laws'"³⁵, except with respect to federal and provincial laws of "general application" – in the case of bylaws, these would prevail. (Ibid.) There is a problem with the thesis that the Sechelt might exercise legislative

³⁴ "elle ferait plutôt mention du pouvoir de légiférer"

³⁵ "d'un point de vue juridique il ne semble pas exister une différence énorme entre 'by laws' et 'laws'"

powers superior to the Crees' due to the more specific terminology in the *Sechelt Indian Band Self-Government Act*, however: the CNQA explicitly specifies that "where there is any inconsistency or conflict between the provisions of this Act and any other Act of Parliament, *this Act shall prevail to the extent of the inconsistency or conflict.*" (Canada, 1984, a.3-4, emphasis mine) The same is said of provincial laws and regulations. Further, the areas in which the Crees have "bylaw-making" powers are identical to those in which the Sechelts have "law-making" powers.

The second criticism, raised by both Tétreault and Thomas Isaac, concerns provisions in the Act that relate to the financial administration of Cree bands. (Canada, 1984, a.89-100) Although these provisions allow for a relative autonomy over band councils' financial affairs (enabling them to adopt their own budgets, supplementary budgets for example, and take out short and long term loans), they also allow the Minister to "give written notice to the band of his intention to appoint an administrator to administer the financial affairs of the band" if he is of the *opinion* that "the financial affairs of a band are in serious disorder." (Ibid., a.100) This leads Tétreault to qualify article 100 as a "veritable relic of the paternalist tone of the *Indian Act.*"³⁶ (Tétreault, 117; Isaac, 1991, 31) Indeed, it is hard to disagree that this is "an extremely weak aspect of the Act, because it contrasts with the notion of self-government that aims to give aboriginal communities full control over their destinies."³⁷ (Tétreault, 117) To provide some context, that would not have been available at the time of Tétreault's writing, however, it should be noted that the government has never made use of this power.

³⁶ "veritable reliquat du ton paternaliste de la Loi sur les Indien."

³⁷ "un point extrêmement faible de la Loi parce qu'il contraste avec la notion d'autonomie gouvernementale qui vise à rendre aux communautés autochtones la maîtrise de leur destinée."

Considering the Crees' national and international visibility and their experience with the courts and the media, it is quite unlikely it would.

The Debate Over Cree Self-Government: a Literature Review

As mentioned in introduction, there appears to be a consensus amongst parties involved in an "Aboriginal well-being debate" that self-government represents *the* solution to increasing Aboriginal Peoples' quality of life. This was illustrated in the quotes provided in introduction by the Royal Commission, the Assembly of the First Nations of Quebec and Labrador and the Federal government; it will further be reinforced in the section that follows, where I present some of the academic literature that emerged after the publication of the *Report of the Royal Commission on Aboriginal Peoples*.

First, I outline the Royal Commission's conclusions as to the best way to resolve the problem of Aboriginal Peoples' poor quality of life, as well as its opinion with respect to the level of self-government enabled by the JBNQA and CNQA. Then, I outline Taiaiake Alfred's take on the same questions in *Peace Power and Righteousness: an Indigenous Manifesto* (1999). The purpose of outlining these works will principally be to draw out the main frames of reference in their respective arguments, although some comments will also be made concerning the "worldview" that appears to have informed them. Finally, I present Martin Papillon's empirical study of Cree well-being, *Aboriginal Quality of Life Under a Modern Treaty: Lessons from the Experience of the Cree Nation of Eeyou Istchee and the Inuit of Nunavik* (2008b), which will serve to exemplify the first precept of Lakoff's "theory of framing" that when people hold a frame, only the facts that

fit that frame will be integrated to their understanding; facts that contradict that vision will simply “bounce off.” This rule applies not only to a lay, American electorate, but to academics as well. Further, throughout this presentation, I contrast with contradictory statements or evidence made or provided by various other actors that have directly or indirectly been involved in the debate over Cree self-government. As this presentation will show, there are two diametrically opposed camps in the pre- and post-Royal Commission literature and they conceived of self-government very differently, depending on which side of the debate they stand, or more precisely, depending on which frame qualifies their understanding of self-government.

The Report of the Royal Commission on Aboriginal Peoples

The Royal Commission on Aboriginal Peoples was established by the Federal government in 1991 to investigate the evolution of the relationship between Aboriginal Peoples, the Canadian government, and Canadian society and “propose specific solutions... to the problems which have plagued those relationships.” (Royal Commission on Aboriginal Peoples, 1996a, 2) These problems were indeed pervasive in Aboriginal communities across the country, as has been seen previously. Specifically, according to reports orderered by the Royal Commission, Aboriginals were more likely than other Canadians to have a lower life expectancy, die from infectious disease, suffer from alcoholism and drug addiction, fall victim to domestic violence, not graduate from high school, college and especially university, live in overcrowded and unsanitary conditions, and be unemployed or incarcerated. (Indian and Northern Affairs Canada,

1996b) In a country that the United Nations rated as “the best place in the world to live in”, this situation was unacceptable.³⁸ The Royal Commission’s recommendation? To move beyond the “colonial legacy” of the *Indian Act*, and change “our perspective on the very nature of the relationship between Aboriginal peoples and the Canadian state.” (Papillon, 2008b, 4)

As Commissioner René Dussault explained on the day of the official release of the report, the systematic and sustained denial of this colonialist reality was “the core of the problem.” (Dussault in Indian and Northern Affairs Canada, 1996a) While the past had been made up of “successive Canadian governments [trying] often intentionally, sometimes in ignorance, to absorb Aboriginal people as individuals into the body of Canadian society, thus seeking to eliminate distinctive Aboriginal societies,” the future needed to give Aboriginal peoples the “opportunity and resources to exercise responsibility themselves.” (Ibid.) More precisely, “Aboriginal nationhood” had to be recognized and Canadians had to finally accept that

Aboriginal self-government is not, and can never be, a 'gift' from an 'enlightened' Canada. The right is inherent in Aboriginal people and their nationhood and was exercised for centuries before the arrival of European explorers and settlers. It is a right they never surrendered and now want to exercise once more. (Ibid., 1996b, emphasis mine)

The Royal Commission drew on several recommendations set forth by the Special Committee of the House of Commons on Indian Self-Government, which was appointed by the government, a decade earlier, “to review legal and institutional issues related to the status, development and responsibilities of band governments on reserves.” (Wherret, 1999) Indeed, the *Penner Report* also recommended that “the federal

³⁸ In 1992, Canada was the top-ranking country on the UNHDI. It maintained that position for the years 1994 through 2000. (Wikipedia, 2010b)

government recognize First Nations as a distinct order of government within the Canadian federation, and pursue processes leading to self-government.” (Ibid.) This would be achieved, in the long term, through the entrenchment of self-government as an “inherent right” in the Canadian Constitution and, “in the short term, [through] the introduction of legislation to facilitate it.” (Ibid.) Keith Penner was pragmatic: although he felt that “the surest way to achieve permanent and fundamental change in the relationship between Indian people and the federal government [was] by means of a constitutional amendment” he also recognized that such an amendment would require the approval of “seven provinces constituting 50% of the population.” (Canada, House of Commons, 1983, 44-45) Since the constitutional process could be protracted, the Committee therefore “considered other courses of action” including “the bilateral process.” (Ibid., 45)

The Royal Commission’s report echoed the *Penner Report*, calling for the amendment of the Canadian Constitution to include self-government as an inherent right and give First Nations communities a status comparable to that of a province because, as Keith Penner had pointed out, a significant problem they faced was that the limited powers of their band-councils were “further diminished because they can be rendered invalid by federal laws, federal regulations or the Minister’s disallowance.”³⁹ (Royal Commission on Aboriginal Peoples, 1996a, 317; Canada, House of Commons, 1983, 19) If Aboriginal governments achieved the status of third level of government, on the other hand, “in the same way that provinces are immune from each other’s law-making powers,” the Royal Commission argued, “Indian First Nations laws and provincial laws

³⁹ Provincial laws of general application were also said to interfere with band councils’ powers. As in the case of federal laws and regulations, the CNQA prevails over all provincial laws and regulations where there are inconsistencies or conflicts.

would have had no effect on each other.” (Royal Commission on Aboriginal Peoples, 1996a, 317) In the case of a conflict, “federal laws in the same areas would be paramount over Indian First Nations laws, as is the case with provincial laws.” (Ibid.)

A fundamental assumption that underlies these recommendations was that neither the federal nor provincial governments had endorsed the approach in the *Penner Report*. Instead, they had simply supported the enactment of “legislations like the *Cree-Naskapi (of Quebec) Act*” and the subsequent *Sechelt Indian Band Self-Government Act*, which only supported “a form of delegated self-government.” (Ibid., 1996c, 722) This “delegated” self-government, far from enabling Cree and Sechelt communities to attain provincial status, merely provided them with powers “parallel to *municipalities* in southern Quebec.” (Ibid., emphasis mine) In light of the evidence presented in the previous section, it is surprising that the Royal Commission could arrive to such a conclusion. Its framing of Cree self-government as enabling only the exercise of *municipal powers* is inconsistent with JBNQA provisions that stipulate that the Crees have control over health and education, and CNQA provisions that provide them legislative powers over the traditionally provincial jurisdictions of the environment, natural resources and hunting, fishing and trapping. Unfortunately, these aspects of the Cree model of governance would be entirely omitted from the Royal Commission’s 2-paragraph analysis of the Cree “form” of self-government, in appendix to its chapter on Aboriginal governance.⁴⁰ (Ibid, 1996b, 414-415)

This treatment is even more surprising in that the JBNQA and CNQA actually

⁴⁰ The JBNQA is addressed more thoroughly in appendix of Chapter 4 of the Report: “Lands and Resources”, however, the discussion is limited to the land regime. (1996c, 720-722)

resolve many of the problems outlined in the *Penner Report*. Recalling from the previous section on Cree education, for instance, the JBNQA took an active approach to the preservation of language by giving Cree communities the “tools available under self-government arrangements that would enable them to strongly promote the use of their languages” – tools, it should be noted, the Crees had demanded themselves. (Canada, House of Commons, 1983, 18) Further, the CNQA resolved the problem of uncertainty concerning the legal capacity of bands and their band councils by incorporating Cree bands, and consequently, removing them from under the authority of the *Indian Act*. (Ibid., 17) In doing so, not only were the Crees empowered to sign contract, own property, take legal action in their own name and pass bylaws, but more importantly, no longer being an extension of INAC, they could directly influence the direction of their own programs and policies. What is more, the CNQA resolved another problem that Keith Penner had made note of, and which the Royal Commission cites in substantiating its argument above: that the limited powers of band councils were diminished because they could be invalidated by provincial and federal laws and regulations, or by the Minister of INAC himself. (Ibid., 19) Yet, if we recall the previous section on the CNQA, the Act is very specific that “where there is any inconsistency or conflict between the provisions of this Act and any other Act of Parliament, *this Act shall prevail* to the extent of the inconsistency or conflict.” (Canada, 1984, a.3-4, emphasis mine) By comparison, municipalities being creatures of the province, *provincial and federal laws* prevail. (Isaac, 17)

The *Penner Report* had seen a final significant impediment to Aboriginal Peoples’ empowerment: the fact that the federal government was the only entity able to

determine “who is an Indian,” and thus, who could benefit from the rights derived from “Indian” status. Consequently, it recommended that band membership be determined by band members themselves, instead of by INAC, because it was “the rightful jurisdiction of each Indian First Nation to determine its membership, according to its own particular criteria.” (Canada, House of Commons, 1983, 55) This has been the case for the Crees since 1975. Indeed, as was outlined earlier, whereas *Indian Act* provisions prevailed in determining membership in all other Aboriginal communities still under its jurisdiction, Section 3 of the JBNQA states that a person of Cree descent, or anyone who is *recognized* by one of the Cree communities as being a member, can benefit from the rights derived from *Cree* status. (Quebec, 1991, s.3.2.1, emphasis mine)

Evidently, the Royal Commission’s opinion that the government of Canada had refused to endorse the Special Committee’s recommendations is not supported by the facts. Its position becomes even more paradoxical when we consider that the *Penner Report* “specifically supported the initiative of the *Cree-Naskapi Act*.” (Munro in Canada, Parliament, House of Commons, 4488) For example, Keith Penner saw “the Cree School Board, which operates under the terms of the Agreement” as a “good example of the innovations possible under new structures” (Canada, House of Commons, 1983, 30) Further, quite aware of negotiations toward the CNQA, since the Crees were present to testify to it, Penner explicitly supported their Act’s “objectives” and recognized that its approach offered “specific ways to escape from unsatisfactory current situations.” (Ibid., 48) In fact, not only did Keith Penner support the CNQA approach because it “showed the potential for innovative solutions designed to meet specific needs” but he also

suggested that “all such proposals [legislations like the CNQA] could form the basis of new arrangements.” (Ibid.)

It is no coincidence that Keith Penner’s recommendations and CNQA and JBNQA provisions mirror each other on so many points. The CNQA in particular is not only a consequence of the JBNQA’s chapter 9, but of the *Penner Report* as well⁴¹, which the Royal Commission cites in issuing its own recommendation that the Federal government “create their own level of government, distinct from municipalities and the *Indian Act*.”⁴² (Royal Commission on Aboriginal Peoples, 1996a, 317; Dickason, 409-412) This fact is corroborated in the transcripts of the House of Commons debates a few days before the passing of Bill C-46 (which would become the *Cree-Naskapi (of Quebec) Act*). Indeed, when John Munro, presented the details of the legislation that incidentally, all parties had agreed to enact into law in a bid of non-partisanship, he recalled the Committee’s recommendation “that the legal capacity of Indian governments be clarified so that they may operate within their own spheres of jurisdiction.” (Munro in Canada, Parliament, House of Commons, 4488) The CNQA respected this recommendation because it gave Cree bands the legal status of corporations. (Ibid.) Further, the CNQA rejected “the *Indian Act* membership criteria as a basis for establishing political participation in Indian government” and relied instead on “a membership provision” proposed by the Crees and Naskapis themselves, as Penner had recommended. (Ibid., 4489)

⁴¹ The CNQA was still being elaborated at the time of the publication of the *Penner Report*. While the report takes into account Cree testimony, its final conclusions were also taken into account, if we are to believe John Munro, in the final drafting of the CNQA.

⁴² “leur propre échelon gouvernemental, distinct de ceux des municipalités et de la Loi sur les Indiens.”

Finally, the Royal Commission's rejection of the Cree model of self-government on the basis that it simply elevated Cree communities to municipal status, seriously contrasts with the opinion of some academics, who had previously weighed in the debate such as Daniel Tétreault, whom, despite formulating many criticisms, still concluded that taking into account all the evidence, "it becomes even clearer that the powers [the Crees] exercise go well beyond those of Canadian municipalities."⁴³ (Tétreault, 117) What is more, the Royal Commission's conclusions completely – and quite paternalistically, it might be added – deny the experience and opinion of the Cree people themselves. Indeed, as has been seen throughout this chapter, *they* were the first to state they were self-governing; *they* argued that the JBNQA provided for self-government through the range of Cree-controlled institutions it created; *they* saw the *Cree and Naskapi (of Quebec) Act* as enabling "the realization of what *we* consider to be Cree self-government,"⁴⁴ by allowing them to maintain "their traditional way of life and customary practices while at the same time, adapting and incorporating new elements into their governments and institutions." (Awashish in Tétreault, 111, emphasis mine; Diamond in Canada, House of Commons, 1977a, 6:12; Cree-Naskapi Commission, 1987, 5) Further, *they* insisted that their governmental arrangement had been negotiated from the bottom up; that not only the government, but *they too* had developed the "fundamental principles and structures" in the JBNQA, and that self-government had also been "the central theme" throughout the negotiations toward the CNQA, which was "clearly reflected in the Act itself." (Cree-Naskapi Commission, 1987, 5; *Ibid.*, 11) As Grand Chief Ted Moses put it before the Standing Committee on Indian and Northern

⁴³ "il est encore plus évident qu'ils exercent des pouvoirs qui vont bien au-delà de ceux des municipalités canadiennes."

⁴⁴ "la réalisation de ce que nous considérons être une autonomie politique crie."

Development, this had for effect to “fundamentally transform the relationship between the Crees of Quebec and the government of Canada.” (Moses in Canada, House of Commons, 1984, 4:10)

That “fundamentally transformed” relationship may not have come in the form of a third order of government and the level of self-government it made possible for the Crees and consequently, the authority it took away from federal government hands, may not be as vast as that of a province, but nor are the powers it confers comparable to the limited powers exercised by municipalities, as the Royal Commission ultimately concluded. While Keith Penner had been impressed by Cree testimony on the CNQA’s progress, the reason the Royal Commission had taken its position is that it felt that the Cree model did not go *far enough*. Indeed, it was far from the ideal it proposed of Aboriginal government as “one of three orders of government in Canada”, which should be “autonomous within their own spheres of jurisdiction”, thus sharing “the *sovereign powers* of Canada as a whole.” (Royal Commission on Aboriginal Peoples, 1996b, 240-244, emphasis mine; Commissioner George Erasmus in Indian and Northern Affairs Canada, 1996a)

Effectively, the Royal Commission has framed self-government as shared “sovereignty”. This understanding is further emphasized in a paper by Aboriginal scholar, David Nahwegahbow (2002), who remarked that the Canadian government had a “schizophrenic approach” with respect to the “inherent right to self-government.” (2) Nahwegahbow cites as evidence a comment made by INAC Minister, Robert Nault, during a press conference in 2002, where he had stated that he could not help speed up the self-government negotiations process with some First Nations “if certain jurisdictions

that are asked for are outside of my mandate... for example... the whole notion of being sovereign.” (Nault in Nahwegahbow, 2) This comment was felt to be in direct contradiction to “the Liberal government’s self-government policy, which is stated to recognize the inherent right of self-government as an existing Aboriginal and treaty right.” (Nahwegahbow, 2) Yet, the only way Nault’s statement *could* be found to be in contradiction with that policy is if self-government *was* taken to mean sovereignty, as it did for the Royal Commission. This understanding of self-government, along with the “municipal” understanding used to describe Cree self-governing powers, will emerge again in the following section, where Taiaiake Alfred’s work will be assessed and where the worldview, which informs them, will also become clearer.

Peace, Power and Righteousness: an Indigenous Manifesto

In *Peace, Power and Righteousness: an Indigenous Manifesto*, Taiaiake Alfred also speaks of the “colonialist legacy” of the *Indian Act*, but he pushes the Royal Commission’s remark further by describing the Federal government as an entity still made up of “organized racists.” (Alfred, 1999, 125) Like the Royal Commission, Alfred has been very influential in the literature, collaborating with numerous academics⁴⁵ and acting as the director of the Indigenous Governance program at the University of Victoria. Although he partly agrees with the Royal Commission’s take on the problem, he sees another underlying cause of Aboriginal peoples’ “material poverty and social dysfunction” as one of Aboriginal leaders no longer believing in “their indigenesness” and steadily moving away “from the principles embedded in traditional cultures, towards

⁴⁵ See, for instance, Alfred and Cornthassel (2005).

accommodation of Western cultural values and acceptance of integration into the larger political and economic system.” (Ibid., 4) In essence, for Alfred, the source of an Aboriginal/Canadian well-being gap could be located not only in a lack of institutional tools and structures that would to enable Aboriginal Peoples to be more autonomous in social, economic and cultural spheres, as the Royal Commission had argued, but in Aboriginal leaders’ “co-optation” by the Canadian government, or more precisely, in their “separation from our heritage and from ourselves.” (Barnsley, 2010; Alfred, xv) Alfred’s solution? One similar to the Royal Commission’s: the creation of Aboriginal governments, but more precisely, governments “founded on an ideology of Native nationalism and a rejection of models of government rooted in European cultural values,” or “self-government,” that would embody “a notion of power that is appropriate to indigenous cultures” and ceases to “deny their nationhood.” (Alfred, 2; Ibid., xiv-xv)

Although Alfred does not outright refer to the *James Bay and Northern Quebec Agreement*, nor the *Cree-Naskapi (of Quebec) Act*, he does discuss the *Sechelt Indian Band Self-Government Act* (1986) and the *Nisga’a Final Agreement* (2000), two other self-government legislations, which emerged from similar circumstances, as well as provided the Nisga’a and Sechelt people with very similar powers as those of the Crees; it is thus possible to extrapolate Alfred’s view of a “Cree model of governance” by examining what he had to say about these legislations. First, it should be noted that Alfred sees the negotiation process itself as “an advanced form of control, manipulation and assimilation,” because “what oppressive regime has ever smiled benevolently and handed back power to the oppressed?” (Alfred, 144) Hence, a White, colonialist government has still been “setting the agenda” in self-government talks, and Aboriginal

leaders – whether they were conscious of it or not – had been “allowed to get so close to the benefits of power” that they had “no motivation to fundamentally change the system.” (Ibid., 119-120)

For Alfred, Sechelt and Nisga’a leaders and, by extension, Cree leaders, represented a different kind of individual than those who are not “conscious” that the colonialist legacy that informed the *Indian Act* continues to inform the government’s approach today. Because they have *participated* in negotiations with the federal government and the government of British-Columbia and signed agreements with them, Alfred essentially likens them to modern compradors of the State. Indeed, they are described as “greedy, corrupt politicians”, who “behave like bureaucrats and carry out the same old policies”; they are “seduced by the mainstream” and promote “non-indigenous goals and embody non-indigenous values”; they cooperate “and serve [the government’s] agenda” by serving as “tools” for the State “to maintain its control”; they place “their own self-interests ahead of tradition” because they are “oriented not towards making peace but toward making money.” (Ibid., 97-114; Ibid., ii) The difference between this perception of Nisga’a, Sechelt leaders and an African comprador bourgeoisie, which profited from the slave trade of their own, is slim. In short, they are seen as “sell outs.” (Ibid., 91) This view is reminiscent of an outraged Andrew Delisle, in 1975, who had accused the Crees of selling themselves for “mirrors” by signing the JBNQA.

Because the *Sechelt Indian Self-Government Act* and the *Nisga’a Final Agreement* were not based on “the idea that indigenous people own all of their traditional territory unless it was surrendered by treaty” and because they impose “a hierarchy of rights” based on “conquest,” Alfred concludes these legislations are “failed attempts at

self-determination” representing only “a transition to a *quasi-municipal* status.” (Ibid., 100) This understanding mirrors the Royal Commission’s opinion with respect to the Cree model. The reason Alfred is so critical of the Sechelt and Nisga’a self-government arrangements, however, and also frames them as only enabling municipal powers, is more specifically located in the compromise that had to be made by Aboriginal leaders in order to arrive to an agreement in the first place. This was also a criticism made by Tétreault (1988), who concluded that the CNQA, “contrary to the *James Bay and Northern Quebec Agreement*, clearly appears to be the result of a Cree compromise with governmental authorities.”⁴⁶ (137) The fact that Aboriginal peoples’ inherent right to govern themselves still was not recognized⁴⁷ by the Canadian State, the Crees thus only exercised “the powers Parliament was kind enough to delegate to them.”⁴⁸ (Ibid.) Although Alfred and Tétreault are right – many compromises were in fact made by the Sechelt, the Nisga’a *and* the Cree people – one cannot help to wonder if it is ever possible to enact complex legislations like the ones at stake *without* compromise. Further, the very fact that concessions were made speaks to the *consultative process* that had to take place, which is not discussed by Alfred or the Royal Commission. For instance, unlike on May 1st, 1971, the Crees did not wake up to the news their daily lives would be inextricably changed on the radio when the CNQA was finally adopted in 1984. Rather, unlike all other previous acts, treaties, agreements or laws relating to the administration and use of resources on Aboriginal lands in Canada, it was developed in close consultation with their representatives, establishing, according to the Crees, a precedent

⁴⁶ “à l’instar de la Convention de la Baie James et du Nord québécois, apparaît nettement comme le fruit d’un compromis entre les Cris et les autorités gouvernementales.”

⁴⁷ It has since been recognized in the federal government’s Inherent Right policy (1995), where it is stated that “the Government of Canada recognizes the inherent right of self-government as an existing Aboriginal right under section 35 of the Constitution Act.” (Indian and Northern Affairs Canada, 1995a)

⁴⁸ “les pouvoirs que le Parlement a bien voulu leur déléguer”

in the history of Aboriginal-State relations in that this approach represented “a clear departure from all previous government policy – typified by the *Indian Act* – which established native policy *unilaterally*.” (Canada, House of Commons, 1984, 4:29, emphasis mine) As Philip Awashish put it, this *bilateral* approach to negotiations, which had also been promoted in the *Penner Report*, instead enabled the *combination* of

Cree principles and European principles to carry out some form of self-government. The Crees can exercise their own customs in electing their own leaders and they exercise their own customs in making decisions for themselves and for their community and their lands. The system of institutionalizing self-government into some sort of corporate structure is European, but we have used what are considered European concepts and also applied Cree customs in order to exercise what we consider to be Cree self-government. (Awashish in Canada, House of Commons, 1984, 4:29)

Further, if we recall all the powers and structures outlined in the previous JBNQA and CNQA sections, it also becomes evident that important concessions occurred on the government’s side. The Crees may not have gotten the full end of the “power stick”, but certainly a much *bigger* end of it – at least, big enough to ensure they could directly influence the path of their communities’ own progress: progress as they understood it. Thus, to those who would accuse the Crees “of selling themselves for mirrors”, they would respond “it is only up to them to decide whether the Agreement is good for them or not.”⁴⁹ (Dumas, 1974, 1; Diamond, in Tétreault, 99)

Ultimately though, the reason Taiiaki Alfred and arguably, the Royal Commission, arrives at his conclusions has less to do with battles over words and concepts – over self-government framed as “municipality”, “nationhood” or

⁴⁹ “à ceux qui accusent les Cris de s’être vendus pour des miroirs. les Cris répondent... qu’il leur revient à eux seul de décider si l’Entente leur est ou non favorable.”

“sovereignty” – than it does with warring worldviews. Indeed, Alfred quite clearly views self-government through the lens of dependency theory, a body of literature that emerged in the late 1960s and 70s in *opposition* to a liberal perspective that explained underdevelopment in terms of internal shortcomings. Dependency theorists argued that *external* constraints, “most notably the domination of the developing countries by the industrialized powers of Western Europe and North American, were responsible for most of the economic and political misery in the southern hemisphere.” (Schraeder, 2004, 324) More specifically, they posited that “the domination of the developing countries by the industrialized powers of Western Europe and North American,” was responsible “for most of the economic and political misery in the southern hemisphere.” (Ibid.) Further, the maintenance of this highly unequal structure “was made possible by African compradors (political and economic elites) who *knowingly or not* served as the cultural, economic, military or political agents of the European colonialist.” (Ibid., emphasis mine) This perspective is nearly identical to Alfred’s opinion of Sechelt and Nisga’a leaders and self-government legislations.

Essentially, *Peace, Power and Righteousness: An Indigenous Manifesto* is a manifesto for a new, *post-colonial* society. Indeed, it is also Alfred’s belief that the inherently exploitative relationship between “colonizing forces” and the “colonized” has been reinforced by “neocolonial leaders,” who “remained more interested in maintaining ties with foreign powers than contributing to the true development of their own countries.” (Alfred, 119-120) This is further emphasized by Alfred’s conceptualization of the “problem” as being centered on the strain imposed on Indigenous communities by colonization, and the fact that Indigenous peoples have been subjected to a “systematic”

process of colonial rule since Euro-settlers declared this country theirs by right of being *terra nullius*. It is also the logical conclusion of his call for a “re-centring of indigenous self-determination politics away from expedient policies devolving western-style governance and political structures from dominant governments” through a return to fundamental, cultural values and “breaking free from the oppression of colonialism and achieving emancipation through the principles and values of indigenous governance” which Alfred ultimately sees, like the Royal Commission, as “the recognition of our *sovereignty*.” (Crosby, 2007, 2; Alfred, 79) This vision is fundamentally opposed to liberal notions of self-government outlined in the Federal government’s *Self-Government Fact Sheet* (2009), where “self-government” is defined as supporting “the achievement of ‘*good governance*’ – governance that is participatory, accountable, responsive, efficient and effective, transparent and that operates by the rule of law.” (Indian and Northern Affairs Canada, 2009, emphasis mine) Alfred could never see the Nishga’, Seschelt, and ultimately, Cree models of governance as representing valid examples of “self-government” because he departs from a Post-Colonialist worldview that was developed in specific opposition to a liberal worldview.

Aboriginal Quality of Life under a Modern Treaty

In stark contradiction with Taiaiake Alfred, in his doctoral thesis, *Federalism From Below? The Emergence of Aboriginal Multilevel Governance in Canada. A Comparison of the James Bay Crees and Kahnawa:ke Mohawks*, Martin Papillon makes the case that the JBNQA has led to “the emergence of multilevel governance practices.”

(Papillon, 2008a, 12) Indeed, while much academic attention “has been devoted to the constitutional and legal dimensions of Aboriginal challenges to state authority... incremental yet fundamental changes [have also taken] place in the less visible but nonetheless important arena of policy making.” (Ibid., abstract) These changes have enabled a transformation in “State-Aboriginal relations” by establishing Cree governmental entities as “distinct political authorities with their own sources of authority and legitimacy independent of federal and provincial parliaments.” (Ibid.) Essentially, according to Papillon, a new form of federalism was emerging: “not through constitutional negotiations or treaty-making exercises...[but] from below, in everyday practices of governance.” (Ibid.)

In light of this position, when the proposal for this thesis was initially elaborated, the intention was to draw on it to emphasize the dichotomy in the Cree self-government literature, specifically, to show that Papillon, like other authors who had previously weighed in on the debate, saw the Cree model from what might be referred to as a “semi-State” perspective, rather than the “municipality” perspective advanced by the Royal Commission and Taiaiake Alfred. However, in another essay, Papillon appears to take an entirely different stance on the situation. Indeed, in *Aboriginal Quality of Life under a Modern Treaty: Lessons from the Experience of the Cree Nation of Eeyou Ishtchee and the Inuit of Nunavik* (2008b), he concludes that the Crees’ experience under the JBNQA should not be seen as a “panacea for Aboriginal peoples” and that it should be “assessed with caution.” (2008b, 5) Although I cannot speculate as to the cause of this apparent about-face⁵⁰, *Aboriginal Quality of Life under a Modern Treaty* is still a useful piece of evidence in supporting my thesis. Rather than serving to reemphasize what

⁵⁰ Both texts were published in 2008

should already be clear – that there are two diametrically opposed understandings of the Cree model in the self-government literature, and these are grounded in incompatible worldviews – it will better illustrate the first precept of a “Lakoffian approach”: facts that do not conform to one’s beliefs will simply “bounce off” of the analysis. This is what an analysis of this second work by Papillon reveals.

Aboriginal Quality of Life under a Modern Treaty essentially presents itself as an empirical study of Cree quality of life post-JBNQA. Like Alfred and the Royal Commission, Papillon also departs from the idea that to move beyond the colonial legacy of the *Indian Act*, “the institutional basis of the relationship [between Aboriginal peoples and the State] must be rebalanced to enable [them] to regain a sense of agency and control over their lives, their lands and their dealings with the dominant society.” (Papillon, 2008b, 4) What lessons can we take from the JBNQA, he asks, however? In a nutshell: it represents no solution to bridging the Aboriginal/Canadian well-being gap because, in and of themselves “treaties do not change the socio-economic conditions and overall well-being of communities.” (Ibid., 5) Papillon presents two principal arguments in support of this thesis. The first concerns Cree education.

Like the Task Force on Aboriginal Languages and Cultures and Robin Armstrong of Statistics Canada, Papillon also notes that “aboriginal language retention rates of Crees and Inuits are among the highest in the country.”⁵¹ He concludes “that early childhood and elementary education in Cree communities has likely contributed to the healthy state of their language” and although some might be tempted to argue that their relative isolation should be factored in this explanation, the proportion of Inuits who

⁵¹ According to Robin Armstrong’s Aboriginal well-being survey, the James Bay Crees speak and write their language in a proportion of 89%. (Armstrong, 1999. 3)

have a “flourishing language” and who live on lands encompassed by the Agreement was “also significantly greater than the proportion of all Canadian Inuits, who are in a similar geographic position.” (Ibid., 10) Geographical location therefore did not appear to be the sufficient cause of Aboriginals’ and the Cree and Inuit peoples’ increased ability – as compared to other First Nations – to write and speak their own language. This conclusion would also be in accordance with the position of the Special Committee of the House of Commons on Indian Self-Government, which concluded that Native languages were on the verge of extinction because Aboriginal communities did not have access to the “legislative tools available under self-government.” (Canada, House of Commons, 1983, 18)

However, Papillon goes on to say that these data should not be seen as a JBNQA “success” because Cree control over education “has not produced the expected levels and standards of education.” (Papillon, 2008b, 10) This argument is supported by other data collected by Statistics Canada between 1986 and 2001 showing that “the proportion of Eeyou Istchee and Nunavik populations with a high school diploma or more” had only increased “from 25% to 35%.” (Ibid.) This 10% increase in high school graduates could not be seen as significant, according to Papillon, because it was “still much lower than elsewhere in Quebec and in Aboriginal communities as a whole.” (Ibid.) However, when the geographical factor that Papillon took into account in explaining the Crees’ undeniable fluent abilities in their language is also taken into account with respect to general distribution of high-school graduates in Quebec, a much more nuanced picture than he allows for emerges.

Indeed, according to data from Quebec's Ministry of Education, when high school graduation rates in the province are examined by administrative region, the three regions with the lowest levels of high-school education (among students under 20) *were* those that were located furthest from any major center: the Côte-Nord, the Nord du Québec and the Gaspésie/Iles de la Madeleine regions. (Ministère de l'Éducation, du Loisir et du Sport, 2002, 191) If these ratios are examined over time, another interesting picture emerges: while the Côte-Nord region had a high-school graduation rate of 43.3 % in the 1990-1991 cohort, this rate *decreased*, to 41.7%, in the 2000-2001 cohort. (Ibid.) As for the Gaspésie/Iles de la Madeleine Nord du Québec regions, although their high school graduation rates went up over the same period (from 61.2% to 68.2% and 56.5% to 68.5%, respectively), these were still significantly lower than Quebec's rate as a whole, which itself had only increased by 6% (from 65.6% to 71.7%) – 4% *less* than in Cree communities over the comparable period of 1986 to 2001. (Ibid.) This correlation – a relationship between distance from a major center and the attainment of a high school diploma – is confirmed by another study by Statistics Canada, which found that, “outside of Canada's largest communities, the drop-out rate in the 2004-2005 school year was 16.4%, almost double the rate (9.2%) within Census Metropolitan Areas and Census Agglomerations (CMA/CA).” (Bowlby, 2008) In small towns and more isolated rural areas, the drop-out rate was found to be “comparatively high.” (Ibid.)

While the overall increase in high-school graduation rates in Quebec⁵² has been speculated to be partly due to “changes in the labour market that require people to have a high school diploma,” it may similarly be speculated that the poor job market in isolated

⁵² In 2000, 19.3 % of people under the age of 19 did not have a high school diploma. This proportion was 40.6% in 1979. (Ministère de l'Éducation, du Loisir et des Sports, 2002, 189)

Cree communities is linked to their low rates of high-school graduation. (Canadian Education, 2010) What is sure, is that the data Papillon presents alone are not sufficient to conclude, as he does, that Cree *administrative control* over education has not produced “the expected levels and standard of education” – or *have* produced them, for that matter. (Papillon, 2008b, 10) Far too many factors remain unaccounted for in this explanation. For one, the situation has not been compared with Nisga’a and Sechelt communities, who have also signed self-government agreements, to establish whether or not there is a trend. Papillon’s disregard for the geographical factor, while allowing for it in explaining language retention, is more illustrative of his *opinion* that Cree control over education has not yielded satisfactory results than it is of the whole body of fact.

Papillon’s second argument is that it is “hard to make a real causal link” between the JBNQA and improvements in health patterns following its implementation. (Ibid., 1, 12) He gives the example of the Crees’ high infant mortality rates, which was found to have “decreased significantly in the 1980s and 1990s,” but, according to Papillon’s reading, remained “more than three times higher in Nunavik and Eeyou Istchee... than in Quebec overall” in 2001.⁵³ (Ibid., 12) Indeed, in volume 1 of *The Evolution of Health Status and Health Determinants in the Cree Region (Eeyou Istchee): Eastmain 1-A Powerhouse and Rupert Diversion Sectoral Report. Volume 1: Context and Findings*, from which Papillon cites, and from which I also cited in the Cree health section, Cree infant mortality rates are said to “have fallen over time, but remain triple the Quebec average and ... are above the averages for Registered Indians in Canada.” (Torrie, Bobet et al., 58) However, the report goes on to explain the source of these high

⁵³ Quebec infant mortality rates were 4.63 per 1000 in this period, while they were 12.6 per 1000 in Cree communities. (Torrie, Bobet et al., 2005, 58)

rates – and this, no further than the next sentence – but Papillon seems to have read over it. Indeed, according to the CHSSJB, they were “largely due to high post-neonatal mortality rates attributable to Cree leuko-encepalopathy and Cree leuko-encephalitis,” two related fatal genetic conditions *peculiar* to Cree populations. (Ibid.) When Cree infant mortality rates were *controlled* for these diseases, they were found to be “no higher than average.” (Ibid.)

Clearly, Papillon’s choice – or disregard – of evidence has been informed by his understanding of the JBNQA as representing “no panacea” for improving Aboriginal peoples’ quality of life. This is further illustrated by his omission of two other important sources of data: Statistics Canada’s *Mapping the Conditions of First Nations Communities* (1999) and *The Geographic Patterns of Socio-Economic Well-Being of First Nations Communities in Canada* (2001). Considering that there is not a wealth of statistical evidence to go around in the particular case of the Cree (who have chosen, for instance, not to participate in the largest and most recent pan-Canadian Aboriginal health survey, the *First Nations Regional Longitudinal Health Survey*⁵⁴) this omission is significant. There is cause: these two Aboriginal well-being studies, compiled by analyst, Robin Armstrong, fly in the face of Papillon’s conclusion that “contrary to popular assumption” the Crees are not “markedly better off” as a result of the “increase in government transfers for social programs and infrastructure development in the aftermath of the JBNQA.” (Papillon, 5) Yet, when Armstrong mapped patterns of Aboriginal socio-

⁵⁴ The *First Nations Regional Longitudinal Health Survey* is a 20-year longitudinal study involving Canada’s First Nations and Inuit people. It was established to counter the lack of reliable information on First Nations and Inuit health and wellbeing due to their exclusion from major national health surveys, and enable them to control their own health information. (First Nations Information Governance Committee, 2005)

economic well-being⁵⁵ across Canada, based on 1996 census data, he found that the Crees were not only markedly better off, but actually ranked *above average* as compared to most other First Nations. (Armstrong, 2001, 9) In Quebec in particular, out of 43 Aboriginal communities⁵⁶, only 12 enjoyed this status: 8 of them were Cree – all the Cree communities but one. (Ibid.) (Appendix 2) Thus, although Papillon acknowledges that “in strict socio-economic terms, [the Crees’] overall quality of life has improved,” but that a “causal link with the JBNQA is difficult to assess,” that link is also difficult to disprove when *all* the available empirical evidence is brought to the analysis. (Papillon, 2008b, 5)

To be sure, all researchers have personal opinions, since we are informed by beliefs and worldviews, which are informed themselves by experience and these sometimes show through the research process because the object of the scientific method, “objectivity”, is no bullet-proof vest against human nature. We pick and we carefully choose the data we present; we do this to build the strongest case we can make. But in the case presented here, we are not dealing with omissions on the basis that they do not serve to strengthen the argument; it is more a matter of the evidence poking a very large hole in a fundamental premise, which is informed by this opinion: “Cree self government no panacea for increasing Aboriginal well-being.”

I have also carefully chosen my data and my sources, and have presented them in a way and in an order that would strengthen my case: that Aboriginal people continue to live in a state of abject poverty and social desolation because opinions, beliefs and worldviews, rather than facts, are what have really informed the general debate over

⁵⁵ Statistics Canada measures Aboriginal well-being according to the following variables: education, employment, income, housing, language and youth. (Armstrong, 2001, 2-3)

⁵⁶ Excluding the 11 Inuit communities, which do not fall under Statistics Canada’s definition of ‘Indian.’

solutions. I have argued that the empirical evidence – although limited – shows that the Cree model of governance is worth more investigation. This opinion is based on those two studies by Robin Armstrong, which were among the first I reviewed in the process of researching this thesis. Indeed, they raised this question: what accounts for the well-being gap between the *Crees and other Aboriginal communities*? I have done my best to present both sides of the story of “Cree self-government”, whether in text or in footnote. I have nowhere suggested that a Cree model of governance should be applied across Canada because I do not *know* the full extent of the impact of the Cree model – the empirical data presented in this chapter, making up the majority of the evidence that is available, being too limited to reach any firm conclusions. However, more focused studies may be so few and far between precisely because, as I have shown throughout this chapter, the actors in the debate have been more busy defining self-government, or rather, defining what it is not. Yet, there *are* aspects of the Crees’ quality of life that have markedly improved post-1975. Unless a high Omega-3 or game-based diet can be shown to have social repercussions, it is wise to conclude that their model of governance may have something to do with it. If the broader Aboriginal well-being debate were really about improving Aboriginal peoples socio-economic conditions, the facts that seem to point to a correlation between the JBNQA and CNQA and increased levels of education (even if only by 10%), increased language retention, increased health and longer life expectancy would not have been left out of the analysis.

Chapter III: A Case-Study of the Innus of Mamuitun

Although it may be argued that different understandings of self-government, grounded in incompatible worldviews, acting as vessels for different bodies of fact have led to the shelving of a Cree model of self-government as being applicable to other First Nations, particularly after the authoritative *Report of the Royal Commissions on Aboriginal Peoples* declared it only enabled the exercise of municipal powers, it is impossible to say for sure whether academics and other actors involved in this debate were reacting to each other's positions, like in Lakoff's examples of Democrat/Republic politics, or coming up with their arguments and understandings in a vacuum, since it has not properly been a "debate". Indeed, there were no official transcripts to examine – only theorizations on self-government and assessments of current self-government legislations in an academic literature. Although it may be said that the nature of this literature *is* dialectical and thus, that the latter scenario is quite unlikely, the lack of tangible evidence showing a clear causal relation between the way in which self-government has been framed and the theoretical dead-end it which the debate over Cree self-government ultimately arrives raises the possibility that Lakoff's thesis might be wrong. The case of the Innus, on the other hand, does provide a direct account of the debate over Innu self-government: in the form of press articles covering the progress of their negotiations with the Quebec government. This case-study thus provides more tangible data with which to retest my hypothesis.

As in Chapter 2, this chapter will be divided into three sections. First, I present a brief overview of important events that led to the publication of the *Approche commune*

(Common Approach) “proposal” in 2000 and the subsequent signing of the *Entente de principe d'ordre général entre les Premières Nations de Mamuitun et de Nutashkuan et le gouvernement du Québec et le gouvernement du Canada* (Agreement in Principle) in 2002, starting where I left off in the Cree historical section, after the signing of the JBNQA on November 11th, 1975. Second, I outline the *Agreement in Principle*'s main elements, with particular emphasis on those said to relate to self-government. This outline will be much briefer than it was in the previous chapter for the simple reason that we are not dealing with a final agreement and thus, with a document of the complexity of the JBNQA or CNQA. Third, in lieu of an “academic debate”, which has not really occurred here⁵⁷, I examine the public debate on the progress of negotiations toward the *Common Approach*. The reason I choose the Innus as a second case-study is precisely because the model of self-government this document was said to lead to was the subject of intense media scrutiny. Further, the Innu self-government model to-be offers this interesting comparison in that it mirrors the Cree model on almost every point, and is interpreted by the actors in the debate based on similar frames, albeit, as will be seen in this chapter, turned on their head.

In the context of a thesis that essentially seeks to demonstrate that *language* should be seen as a more important source of evidence in political science and policy making in particular, this case study is of special interest. Indeed, as a final analysis will reveal, problematic frames have enabled the rise of persistent myths and untruths about the shape and scope of Innu self-government. This will be further emphasized when some briefs submitted to the 2003 Commission des Institutions de l'Assemblée nationale

⁵⁷ The literature available on the process of negotiations toward Innu self-government is very sparse or outdated. I have attempted to include as much of it as possible in the following presentation.

du Québec, which was ordered in response to public outrage over the signing of an agreement-in-principle, are examined and reveal the source of the polarized understandings of self-government that emerge from an “Innu self-government” public debate.

Left Behind

When that picture of the Crees and Inuits finally made the story of hydroelectric development in Quebec’s great, mythical North on the day of the signing of an agreement-in-principle, although it was filled with hopeful and smiling faces, it was still an incomplete family portrait of Aboriginal peoples living on the lands that would now be encompassed by the JBNQA. Indeed, the Crees and the Inuits were not the only populations to live above the 55th parallel; Naskapi and Innu peoples inhabited them as well. (Appendix 3 and 4) Thus, while the signature of the JBNQA may have been cause for celebration for the Billy Diamonds and Charlie Watts, it was cause for the same kind of grief and anxiety they had experienced the morning of April 31st, 1971, for the few who had been left behind and had been stripped, unilaterally – and without compensation – of the Aboriginal rights that had been ceded, released and conveyed to the governments of Canada and Quebec over the whole territory.

Recalling from the previous chapter, the JBNQA had essentially consisted in a “rights exchange”, where the Crees and Inuits had renounced to their ancestral rights (namely, their title to the land) in exchange for other “more clearly defined” rights. The

problem for the Naskapi⁵⁸ and Innu peoples, who also occupied significant parts of northern Quebec, was that only the Agreement's "beneficiaries" were entitled to benefit from these rights. From the moment the JBNQA was adopted, all other "native claims, rights, title and interests of all Indians" were extinguished. (Quebec, 1991, s.2.6) The government was well aware of this problem and clearly intended to rectify it. The fact that it had invited the Innu of Matimekosh to the negotiations table in February of 1975 is indicative of that desire. But discussions with community leaders soon got off to nowhere; likely because they were not yet politically organized or experienced in the negotiation process, but also because they refused to sign a document "that would only benefit their community"⁵⁹, seeking rather a general settlement for the land-claim of the Innu people⁶⁰ as a whole. (Dupuis, 1993, 37; Charest, 2001, 187)

Unsurprisingly, after having just spent countless monies and energies on the settlement of the Crees' and Inuits' land-claim, the Federal government refused to negotiate on the Innus' basis, directing Matimekosh leaders to DIAND's land claims office instead. This led to the rise of another problem: who would they mandate to represent them?⁶¹ Having been unable to appease internal disagreement following from the signature of the JBNQA, the IAQ – the only organization that could have spoken in their name – had already closed its doors. Soon enough, though, and in collaboration with the Atikamekw nation, they would found the Conseil des Atikamekw et des Montagnais⁶²

⁵⁸ The situation with the Naskapi community of Kawawachikamach would meet a much more positive end. Discussions would culminate relatively quickly into the *Northeastern Quebec Agreement*, which essentially amended the JBNQA to include the Naskapi as beneficiaries, in 1978.

⁵⁹ "pour le seul bénéfice de leur communauté."

⁶⁰ The Innu nation consists of nine bands. Only one, Matimekosh – Lac John, is located on JBNQA territory.

⁶¹ Under the *Indian Act*, Aboriginals cannot take legal action in their own name.

⁶² Until recently, the Innus were known as the Montagnais. It is not clear in the literature at which point this name became obsolete.

(CAM).⁶³ Its first mandate: oppose the enactment of Bill C-9 (which would give force to the JBNQA) at the Permanent Senatorial Committee on Indian Affairs and Northern Development, in February of 1977. Its main premise: the agreement affected “overlapping land claims.” (Hilling and Venne, 2003, 2) Although it was a valid argument, it would unfortunately fall on deaf ears: Bill C-9 would still be assented to on July 14th, 1977.

Following from this defeat, the CAM undertook the drafting of an official comprehensive land claim⁶⁴, which would be accepted by the federal and provincial governments, respectively, that same year and in 1980. It laid out four basic principles: the recognition of rights rather than their extinguishment, compensation for damages incurred on the lands, the right to “self-government”⁶⁵ and the right to participate in future developments. (Dupuis, 39) The federal government would drag its feet in naming a negotiator; Quebec, on the other hand, would see an opportunity to widen its jurisdiction. (Ibid, 41) Thus, a newly elected Parti Québécois government would not only immediately name its negotiator, but, in a bid to reaffirm its good will, it officially recognized the CAM as the only body with authority to represent the Innu People and decreed a moratorium on all legal suits still pending against them.⁶⁶ (Ibid., 42) Between 1980 and 1982, these bilateral negotiations would initially focus on establishing the general mechanisms that would frame the negotiations, but they would soon divert to

⁶³ In its beginnings, the CAM united all of Quebec’s Atikamekw communities and eight of the nine Innu communities. The last (and largest) community of Uashat mak Maniutenam would join the organization 2 years later, only to leave it in 1998.

⁶⁴ It was titled: “Nishastanan Nitasinan, Notre terre, nous l’aimons et nous y tenons.” (CAM, 1979)

⁶⁵ “autodétermination”

⁶⁶ Pending suits were related to infractions to Quebec’s laws on conservation and fauna. According to Dupuis, they were dropped in order to give the CAM some “financial breathing room”. (Dupuis, 41)

matters felt by the Innus to require more immediate action.⁶⁷ (Ibid., 43) It would only be six years after the federal government had finally joined talks, in 1988, that a framework agreement “relating to the work plan and timetables for the negotiation process” would finally be reached. (Hilling and Venne, 2)

This snail pace could partly be blamed on the fact that various other battles were being waged by Aboriginal communities on the national and international fronts, following from the repatriation of the Constitution and the subsequent stonewalled ministers’ conferences on the inherent right to self-government. (Cunningham, 2009, 46) Once achieved however, this first signature by no means represented a light at the end of the tunnel. It was rather the start of the disintegration of the second, largest Indian association in Quebec’s history: the CAM. Indeed, although preserving Innu title on the land and its resources had been “the principal stumbling block in the negotiation process”⁶⁸ until then, by signing the framework agreement, CAM representatives had essentially agreed to give up their rights to the land in exchange for other “clearly defined” rights, much as the Crees and Inuits had done in 1975. (Dupuis, 39; Cunningham, 65)

In 1989, a second agreement concerning “interim measures” was reached, but it would be terminated a year later due to increasing internal conflict over the second move away from the CAM’s original *raison d’être* it represented: instead of *preserving* Innu title to the land, by signing this *Agreement on Transitional Measures*, the organization had basically given it up by agreeing to no longer oppose development projects on the territory or file any other comprehensive land claims over territories covered by the

⁶⁷ These issues mainly concerned salmon fishing rights, hydro-electric projects in the Côte-Nord regions and the need for roads. (Dupuis, 1993, 43)

⁶⁸ “la principale pierre d’achoppement dans le processus de négociations.”

JBNQA. (Cunningham, 65) Over the next year, multiple meetings would be held in the communities in an attempt to rebuild consensus within the CAM. These, however, would only reveal the rigidity between the positions of what could now be called a “Northern” and a “Western” block. (Appendix 3) Two new Innu organizations were incorporated: the Regroupement de Mamit Innuat (Mamit Innuat), which united the Basse Côte-Nord Innu communities of Unamen Shipu (La Romaine), Pakua Shipu (Pakuashipi), Nutashkuan (Natashquan) and Ekuanitshit (Mingan); and the Conseil Tribal Mamuitun (Mamuitun), made up of the Côte-Nord and Lac-St-Jean communities of Mashteuiatsh (Pointe-Bleue), Betsiamites, Essipit and Uashat mak Mani-Utenam (Maliotenam-Uashat), which constituted the western front.⁶⁹ When Premier Jacques Parizeau would make a unilateral proposal to the CAM, after his election in 1994, which again, did not recognize the Innus’ rights to the territory, but rather, sought to extinguish them, Mamuitun’s insistence on taking the deal would be the last straw for the organization. (Hilling and Venne, 2-3) From then on, the governments of Canada and Quebec would have to negotiate with three groups (including a recently created Atikamekw organization) rather than one, putting an eventual consensus on what shape an agreement would take, yet again, on hold.

Because of issues outside of the scope of this paper, Mamit Innuat, would not reintegrate negotiations until 2002. In 1997, only the Mamuitun communities of Mashteuiatsh, Essipit and Betsiamites⁷⁰ thus, would table a proposal for an agreement-in-principle called “Approche commune” or “Common Approach”, which resolved to

⁶⁹ Names in parenthesis refer to the Francophone denominations of the communities, which appear on most maps. I refer to the communities by their original Innu names throughout this paper. It should also be noted that at this time the communities of Matimekosh and Nutashkuan (Natashquan) were no longer participating in negotiations. (Hilling and Venne, 2003. 2) This situation was somewhat ironic in the case of Matimekosh seeing as it was the only community located on JBNQA lands.

⁷⁰ Nutashkuan would integrate Mamuitun and negotiations soon thereafter. (Charest, 189)

explore “new scenarios, concepts and principles... in order to find solutions at the negotiations table rather than at the political level.”⁷¹ (Mamuitun, 2000, 1; Charest, 189) Indeed, although many consensuses had been achieved between Mamuitun leaders and governmental officials until then, the negotiation process also showed that there were major differences left to resolve.⁷² (Dupuis, 1993, 43; Charest, 189) The government, having already seen where that slippery slope could lead with the Malouf ruling, much preferred investing more time and money in the negotiation process rather than risk having the Supreme Court’s gavel sound a final decision – something it had not been given the opportunity to do in the case of the Crees, since Premier Bourassa had reopened dialogue.

When news that this Innu “proposal” had been tabled was first leaked to the media, in January 2000, most newspapers were silent on the event; after all, it was not really news.⁷³ The *Common Approach* was only a 13-page document that outlined *potential directions* for an agreement-in-principle. However, when the actual proposal would finally be released, two months later, the media would jump the gun and report that Quebec had given “self-government to the Innus.”⁷⁴ (Gagné, 2000, A1; Lessard, 2000a, A14) Indeed, some journalists in the mainstream media referred to the simple proposal as an “Agreement in Principle”⁷⁵ and even a “treaty”⁷⁶, while in reality, an official agreement-in-principle would only be signed by Quebec two years later, on April

⁷¹ “de nouveaux scénarios, concepts et principes... de façon à trouver des solutions à la table de négociation plutôt que de référer les divergences majeures au niveau politique.”

⁷² For example, Uashat mak Mani-Utenam’s sudden departure from the table in 1998

⁷³ Only *La Presse* made mention of it.

⁷⁴ From *Le Soleil*’s front page title “Un marché historique: Autonomie gouvernementale pour les Innus et abandon de la poursuite contre Hydro-Québec.” (Gagné, 2000, A1)

⁷⁵ “Entente de principe”

⁷⁶ “traité”

24th, 2002.⁷⁷ Further, it was reported that this “Common Approach” would give the Innus more in terms of financial compensation than the Nisga’as had obtained in the *Nisga’a Final Agreement*, rights over “300 000km²” of land and a new “autonomous government.”⁷⁸ (Loranger-Saindon, 2005, 204; Lessard, 2000b, A10)

Echoes of these statements took a few months to make their way in a Saguenay/Lac-St-Jean regional press, where one of the Mamuitun communities was located; then, the media became silent; then, in January 2002, a local Côte-Nord/Sept-Îles paper picked up the story and news coverage exploded. Claims that Quebec was “secretly planning”⁷⁹ to “cede”⁸⁰ the whole of the Côte-Nord region to the Innus that lived on that territory began making headlines⁸¹, and citizens groups, opposed to what they perceived the *Common Approach* set out (such as the particularly vocal Sept-Îles-based “L’Association de la protection du droit des Blancs dans le Nitassinan” and “Les Pionniers Septilliens”) were created and began monopolizing airwaves.⁸² (Gougeon, 2002, 6-7; Joncas, 2002, 3; Charest, 190) A petition began circulating, calling for a referendum; even politicians openly expressed their outrage and demanded a moratorium. Although numerous information “tours” were organized by the government of Quebec, where negotiators or governmental officials would dispense “the facts” to citizens, these were not sufficient to appease tensions. (Charest, 191) Then, after an intervention in *La*

⁷⁷ It would be ratified by Ottawa in 2004

⁷⁸ “gouvernement autonome”

⁷⁹ “...[le gouvernement] qui dans le secret, travaille depuis quelques années à établir le cadre de référence...”

“Les élus... estiment que ça suffit les discussion en vase-clos.”

⁸⁰ “le cadre de référence n’annonce rien de moins que la cession de la Côte-Nord aux Amérindiens.”

⁸¹ Similar statements were made in a Saguenay-based paper. An agreement was a “fait accompli”. The negotiations were “la pire fourberie ou arnaque de l’histoire contemporaine.” (Bernier, 2002, A17)

⁸² According to Paul Charest, these two groups, along with Saguenay-based “Équité Territoriale”, made a lot more noise in the media than the agreement’s supporters. (191) In the town of Saguenay (then Chicoutimi) for example, they “monopolized call-in shows at the CKRS radio station and benefited from the unconditional support of its host” and a favorable editorial stance in the *Quotidien*. (Ibid.) Furthermore, the mayor, Jean Tremblay, regularly publicly opposed the agreement, even using public funds to this end. (Ibid.)

Presse by ex-Premier, Jacques Parizeau, who likened the *Common Approach* to “dynamite”⁸³ on Quebec’s legal and territorial landscape, the government ordered a parliamentary commission, where everyone – whether municipal leaders worried about losses in property taxes revenues, or citizens decrying their “dispossession”⁸⁴ by “the red Talibans”⁸⁵ – would be invited to express their opinion. (Parizeau, 2002, A16; Charest, 191; Cloutier, 2002, A1) As the government’s rationale went, citizens’ worries were baseless – an official commission would thus serve to dispel any myths surrounding Innu self-government. (Bernier, 2002, 17) The result was rather a spectacle similar to that presented to CBC viewers during the recent “reasonable accommodations” Commission⁸⁶, where many colourful, if not downright racist, characters presented briefs to the commissioners.⁸⁷

From the moment news coverage first exploded in 2002, to the last presentation at this parliamentary commission, government officials consistently denied that the Innus would get more rights than “Whites” or somehow become sovereign on over 300 000 km² of lands. The more they denied it, the more there was news coverage, the more the ideas of “sovereignty” and “unequal rights”, as will be seen later, informed the public imagination. Finally, in April of 2003, a Liberal party replaced the Parti Québécois and claiming it would only negotiate an agreement with the Innu nation as a whole, it announced its decision to take a step back. (Gougeon, 2003, 7) There would thus be no picture of happy Innu, INAC and SAA officials to complete this story. Seven years later

⁸³ “de la dynamite potentielle”

⁸⁴ “dépossession”

⁸⁵ This expression, “Taliban Rouge”, was frequently used by André Forbes, president of the Association du droit des Blancs dans le Nitassinan, to describe Aboriginals.

⁸⁶ The “Consultation Commission on Accommodation Practices Related to Cultural Differences.”

⁸⁷ I was very interested in the news coverage on this Commission when it began touring Quebec. I noticed that Radio-Canada and the CBC provided very different coverage. The CBC put extra emphasis on the most racists (and far less numerous) comments, likely giving (or reinforcing) an impression among some English Canadians that most Quebecers are xenophobes.

– over thirty years after a politically disorganized Innu people first came together, drafted a comprehensive land claim and undertook negotiations with Ottawa and Quebec – they are no closer to the enactment of practical and institutional tools to enable them to better direct their social, economic and cultural futures.

A “Common Approach”

As mentioned above, the original proposal for the *Common Approach* was just that: a proposal – one that would simply outline the principal elements that *would* form the basis of negotiations toward a future agreement-in-principle. To get a better perspective of what “Innu self-government” might have entailed, had an actual final agreement been signed, it is the *Entente de principe d’ordre général entre les Premières Nations de Mamuitun et de Nutashkuan et le gouvernement du Québec et le gouvernement du Canada* (AIP), which was to serve as the basis for the elaboration of a future treaty, that must be assessed. In this section, I present AIP provisions specifically concerned with rights, territory and self-government. This outline will not only serve to provide a better description of what might have been “Innu self-government”, but it will also reveal important similarities with JBNQA and CNQA provisions – the only discernable differences concerning wording and a rights disposition, although it is not clear how it would have any different effect in practice. What will become clear in the section that follows this presentation, however, is that the different terminology in the AIP to describe similar JBNQA and CNQA powers or institutions would have a significant impact on the conclusion of the Innu self-government story.

Rights

As the JBNQA was said to represent a “clear departure” from all other governmental policies typified by the *Indian Act*, the AIP has also been seen as representing an entirely new approach to Aboriginal-State relations. Indeed, because it did not call for the “extinguishment” of Innu ancestral rights, the AIQ could therefore not be said to consist of a “rights exchange”, or more precisely an “exchange of undefined Aboriginal rights for defined treaty rights, using the terms ‘cede, release and surrender’.” (Hilling and Venne, 4) In the case of the JBNQA, there was no ambiguity: the Crees were to “cede, release, surrender and convey” all their “Native claims, rights, titles and interests, whatever they may be, in and to land” to the government of Quebec. (Quebec, 1991, s.2.1) Conversely, the object of the Innu agreement was the conclusion of a treaty with Mamuitun communities and Nutashkuan while “*recognizing, confirming and preserving* [their] ancestral rights”⁸⁸, including their Aboriginal title. (Quebec, Ottawa, Mamuitun and Nutashkuan, 2002, s. 2.1, emphasis mine; Hilling and Venne, 4)

The specific terms and conditions on which these rights and title would be exercised are not specified in the AIP. They would be “clarified” in a final agreement; it is therefore difficult to assess what impact this rights provision would have in practice. However, as discussed earlier, there has been dispute over the meaning of the rights clause in the JBNQA, and a brief return on this dispute will yield a few insights in the case of Innu rights. Indeed, JBNQA critics, such as the IAQ, had interpreted the Crees’ rights clause as “extinguishing” them altogether, but as was made clear in testimony by Billy Diamond to the Standing Committee on Indian Affairs and Northern Development,

⁸⁸ “en reconnaissant, confirmant et continuant les droits ancestraux, y compris le titre aborigène”

the Crees were strongly opposed to this interpretation. (Dumas, 1; Lacasse, 492; Diamond in Canada, House of Commons, 1977a, 6:13) Beyond what everyone has said, it should be reemphasized that what is at stake in the concept of “Aboriginal rights”, at least from an IAQ perspective, is “title to the land.” If we recall JBNQA provisions concerning the land then, these stipulate that Quebec may *not* develop them beyond the developments that have already been outlined in the Agreement, namely, the La Grande (today, Robert-Bourassa) hydro-electric dam. If the JBNQA had really *extinguished* the Crees’ rights over *their lands*, they would never have been in a position to negotiate the 2002 *Paix des Braves*, which, among other things, gave the go-ahead to two new hydroelectric developments. Thus, the lack of a “cede, release and surrender” terminology in the Innu AIP should not be taken as concrete evidence that the Innus would have *greater* rights over the land, as will further be demonstrated when its territorial provisions are examined. In fact, it might be argued – as the Cree people have – that the JBNQA *confirmed* rather than extinguished their rights to the land. Further, taking into account the other rights outlined in the Agreement, it might even be concluded that this has had for effect of making them one of the First Nations in Canada with the *most* rights – including land rights.

Territory

As in the JBNQA, the question of territory, which is primarily addressed in Chapter 4 of the AIP, is also related to rights. Here, two categories of lands are defined: “Innu Assi” lands, which are akin to Cree category I lands, and “Nitassinan” lands, which

are basically identical to Cree category II lands.⁸⁹ Innu Assi lands would essentially consist in reserve lands, but doubled. Like the Crees over category I lands, the Innus would have “the exclusive use and benefit” over them, but unlike the Crees, that exclusive right would extend to the “soil, subsoil and resources in them.” (Hilling and Venne, 5) Indeed, as stipulated in article 4.2.3, the Innus would have the right to exploit “freely and completely of these lands, and in particular, exploit the fauna, aquatic, water, hydraulic, forestry, flora and mineral resources within them.”⁹⁰ (Quebec, Ottawa, Mamuitun and Nutashkuan, s.4.2.3) However, article 4.2.5 goes on to say that “despite article 4.2.3... Quebec will retain ownership of hydraulic and mineral resources”⁹¹, which is another way of saying, like in the JBNQA, that Quebec retains “bare ownership” and “subsurface rights” on these lands. (Ibid., s.4.2.5; Quebec, 1991, s.5.1.3)

As for Nitassinan lands, they refer to the portion of the territory said to be “traditionally used” by the Innus.⁹² (Ibid.) Although their specific size is not outlined in the AIP, it has often been estimated that they would cover an area of approximately 300 000km². Over this vast territory, community members would be allowed to “practice their traditional activities”, or those covered by the expression “Innu Aitun”, a far-reaching concept designating all traditional or contemporary activities linked to culture, values and traditional mode of life, or the Innus’ “occupation and use of the Nitassinan and their special link with the Earth.”⁹³(Quebec, Ottawa, Mamuitun and Nutashkuan, s.1.3) The concept of Innu Aitun thus encompasses hunting, fishing trapping and

⁸⁹ The distinction between Cree category I, II and III lands is elaborated at greater lengths in footnote 17.

⁹⁰ “d’exploiter les ressources fauniques, aquatiques, hydriques, hydrauliques, forestières, floristiques et minérales qui s’y trouvent”

⁹¹ “malgré les articles 4.2.3 et 4.2.4, le Québec conservera la propriété des ressources hydrauliques ainsi que des minéraux”

⁹² This is Hilling and Venne’s reading. I could not locate this specific terminology in the AIP.

⁹³ “leur occupation et usage du Nitassinan et leur lien special avec la Terre.”

gathering “for social, ritualistic or subsistence means,” much as land dispositions in the JBNQA concerning the Crees’ right to hunt, fish and trap. Further, as in the case of JBNQA category II lands, Nitassinan lands would remain under Quebec jurisdiction. The only difference between these and other public lands is that the Innus’ right to hunt, trap, harvest and fish would be constitutionally protected, like the Crees’ after the repatriation of the Constitution.⁹⁴

Self-Government

The AIP also called for the recognition of “the inherent right of self-government”⁹⁵, including “the exercise of legislative, executive and judicial power”⁹⁶ said to be inherent to that right. (Ibid., s.3.3.3; Ibid, s.8.2.1) Although this represents a departure from the JBNQA in that the latter spoke of “local governments,” it still meant that Innu communities would have the “rights, powers and privileges of a natural person and immunities of a legal person established in the public interest”⁹⁷, much as the Cree corporations created through the CNQA. (Ibid., s.8.2.1; Quebec, 1991, s.9) Very few details as to the extent of Innu self-governing powers are provided in the AIP. It is simply stated that a final treaty would confirm “the power of the legislative assemblies to pass laws in all matters related to the organization, general well-being, development and

⁹⁴ The Innus would also be able to “participate” in the “management of the land, environment and natural resources”, although the final decision regarding planning would rest “with the government or the ministers responsible.” (Quebec, Ottawa, Mamuitun and Nutashkuan, s. 6.5.7) This, again, resembles the wording in the JBNQA.

⁹⁵ “L’autonomie gouvernementale, comme droit inhérent, est comprise parmi les droits ancestraux des Premières Nations.”

⁹⁶ “l’exercice des pouvoirs législatif, exécutif et judiciaire inhérents à leur autonomie”

⁹⁷ “ce statut leur confère la capacité, les droits, les pouvoirs et les privilèges d’une personne physique, ainsi que les droits, privilèges et immunités d’une personne morale de droit public”

good government of their societies, members and institutions”⁹⁸ (Quebec, Ottawa, Mamuitun and Nutashkuan, s.8.3.3.1) This provision, again, mirrors the CNQA. (Canada, 1984, a.45) Would institutions like the Cree School Board and the Cree Board of Health and Social Services of James Bay be created? Would Innu band councils be able to legislate in the same areas covered by the CNQA? It is impossible to tell, the content of the agreement on these subjects having been left intentionally vague, although in light of the similarities outlined so far, it is not unreasonable to assume that they would.

One aspect of the AIP’s self-government section that is unambiguous, however, and represents a clear break from the language that describes the Crees’ legislative powers, is that each Innu “legislative assembly”⁹⁹ would be vested with the power to enact its own “constitution” that would “have the status of fundamental law”¹⁰⁰ and to which the exercise of powers and competencies of Innu governmental bodies would be “subordinated.” (Ibid., s.8.1.4; *ibid.*, s.12.1) These constitutions would deal with “the status and rules governing membership and Innu citizenship; the selection of leaders; the exercise of legislating power and the composition of the legislative body... [and] mechanisms for ratification and constitutional amendment.”¹⁰¹ (Ibid., s.8.1.2; Hilling and Venne, 9) Essentially, they would serve the purpose of the JBNQA’s “special legislation on local government”: the CNQA, which similarly provided “for an orderly and efficient system of Cree and Naskapi local government, for the administration, management and

⁹⁸ “Le Traité confirmera le pouvoir des assemblées législatives des Premières Nations de faire des lois sur toute matière relative à l’organisation, au bien-être général, au développement et au bon gouvernement de leurs sociétés, de leurs membres et de leurs institutions.”

⁹⁹ “Assemblée législative”

¹⁰⁰ “La Constitution de chacune des Premières Nations aura le statut d’une loi fondamentale à laquelle sera subordonné l’exercice des pouvoirs et des compétences des instances gouvernementales de la Première Nation.”

¹⁰¹ “le statut et les règles d’appartenance et de citoyenneté innue; le choix des dirigeants; l’exercice du pouvoir de légiférer et la composition de l’organe législatif;...[et] les mécanismes de ratification et de modification constitutionnels.”

control of Category IA and Category IA-N land by the Cree and Naskapi bands respectively.”¹⁰² (Canada, 1984, preamble)

The Debate Over Innu Self-Government: a Press Review

Before undertaking an in-depth examination of the news coverage on the debate over Innu self-government, some comments on research design should be made since it proceeds differently than the previous chapter. First, and keeping with the main premise of this paper that language matters, the newspaper articles presented here are seen and have been treated as a form of data. These were amassed by conducting a search on the Eureka database for the terms “Innu” and “Approche Commune.”¹⁰³ Of the hundreds of articles from dozens of different sources that were produced from this search, I chose to limit my focus to 6 newspapers: *La Presse*, *Le Devoir*, *Le Soleil*, *Le Quotidien*, *L'Étoile du Lac* and the *Progrès-Dimanche*. The first three papers were selected because they carried the most coverage of negotiations¹⁰⁴ and because they are mainstream Montreal-based¹⁰⁵ (*La Presse*, *Le Devoir*) and Quebec City-based (*Le Soleil*) newspapers; they are thus seen as good indicators of general public opinion. The three other papers were chosen because they are distributed in the Saguenay/Lac-St-Jean region, where it was reported by the mainstream media that citizens were particularly outraged by the *Common Approach*; they are therefore seen as good indicators of public opinion in that regions. It should also be noted that although *Le Quotidien* is a Saguenay-based paper –

¹⁰² The CNQA also deals with the status and rules governing membership, the selection of leaders, the exercise of legislating power and the composition of the legislative body and mechanisms for its ratification.

¹⁰³ This search was initially conducted as far back as the database would go, between the years 1988 and 2008.

¹⁰⁴ In terms of number of articles and word-count

¹⁰⁵ Ideally, the *Journal de Montréal*, being the largest Quebec paper, would have been included in this analysis. However, its archives are only available on microfilm, making the task of searching for articles too monumental.

a town not directly concerned by the *Common Approach* or subsequent *Agreement in Principle* – it is the largest paper in the greater Saguenay/Lac-St-Jean region and provided the most coverage.¹⁰⁶ As for the *Progrès-Dimanche* and *L'Étoile du Lac*, although these papers are printed in the vicinity of Mashteuiatsh, a signatory community to the AIP, they have much smaller readerships and likely, fewer resources, which may partly explain why they provided the least coverage.¹⁰⁷ As for an indicator of public opinion in the Côte-Nord, another region said to be up and arms about the AIP, *Le Nord-Est* – the only library-accessible paper printed in the greater region– was also included in my sample.¹⁰⁸ However, because this paper was not available in the Eureka database, no key-word search could be performed; instead, each edition had to be viewed on microfilm.

Second, based on this initial key-word search, a timeline of events was created, enabling me to narrow my focus to the specific period between January 2000 and December 2003. I choose to limit the analysis that follows to this particular time period because, prior to the publication of the *Common Approach* proposal, no newspapers made specific mention of any negotiations taking place even if the limited Innu self-government literature clearly states that there were. The first time an agreement was said to be in the works was on January 25, 2000, in the *La Presse* article that was cited

¹⁰⁶ As will be shown later, arguments largely revolve around the “handing over” of territory to the Innu. Yet, the only territory on which the Innu would have full ownership were Innu Assi lands, which were not in the vicinity of Saguenay, (or Sept-Iles, another town apparently up and arms about the *Common Approach*). If one community should have been outraged in the Saguenay/Lac-St-Jean region, it should have been Roberval, which is located next to Mashteuiatsh and which would in fact lose a small portion of its territory. The *Étoile du Lac* however, a Roberval-based news-paper, hardly covered the negotiations. Further, the brief submitted by the city to the Parliamentary commission, as will be seen later, was supportive of the *Common Approach*.

¹⁰⁷ Another explanation may be that citizens in the vicinity of Mashteuiatsh were not that concerned by the *Common Approach*.

¹⁰⁸ I have since located another paper: the Baie-Comeau-based *Objectif Plein Jour*. Because it was discovered too late in my research process, I have not been able to include it in this analysis. 18 articles were printed over the 2000-2003 period. Their overall tone and content is very similar to the other Côte-Nord paper, *Le Nord-Est*, which itself appears to have based its reports on articles from the Quebec-based *Le Soleil*.

previously. My timeline thus begins on that date. As for my “end date” of late 2003, it was chosen because it was at this time – after the conclusion of a parliamentary commission and a change from a Parti Québécois to a Liberal government – that the written press began reporting that talks were slowing down. Indeed, it was in September of 2003 that then-minister of the Secrétariat aux Affaires autochtones (SAA), Benoît Pelletier, announced his decision to take a step back on the negotiation of a future treaty. (Joncas, 2003, 7) Following this announcement, articles covering the pursuit of negotiations process were often updates on the fact that the signing of a final agreement had been put on hold.

Third, from this specific period of 2000-2003, a dataset of 283 articles making mention of the *Common Approach* was created.¹⁰⁹ This dataset consists of 34 articles in *La Presse*, 27 in *Le Devoir*, 97 in *Le Soleil*, 70 in *Le Quotidien*, 15 in the *Progrès-Dimanche*, 5 in *L'Étoile du Lac* and 40 in *Le Nord-Est*. In and of itself, this data distribution already sheds some light on the dynamics of the debate. Quebec City's *Le Soleil*, for instance, clearly had the strongest interest in the *Common Approach* (97 mentions); it was also this newspaper, as will be seen later, that regularly covered the statements of the likes of Russel Bouchard¹¹⁰ and André Forbes¹¹¹, who routinely talked of the “taking over” of the Côte-Nord and Saguenay/Lac-St-Jean regions and the creation of “two classes of citizens” in an attempt to bring the general population to oppose any future agreement that did not receive their seal of approval. (Giguère, 2002, A7; Tremblay, 2002a, A1; Charest, 194) What is also noticeable in this distribution is that

¹⁰⁹ Except where *Le Nord-Est* was concerned. Because of the particular situation in Sept-Îles, coverage of tensions between it and Uashat mak Mani-Utenam was included as well.

¹¹⁰ A Saguenay historian, who was particular vocal (and imaginative) in his opposition to the *Common Approach*, as we will see later.

¹¹¹ The founder of L'association du droit des Blancs dans le Nitassinan.

local papers like *L'Étoile du Lac* and the *Progrès-Dimanche* were very quiet in comparison (5 and 15 mentions, respectively). As for the Sept-Îles-based *Le Nord-Est*, although it is also on the “low end” of news coverage (40 mentions), once it picked up on the story of the *Common Approach* in 2002, its reporting became comparable in quantity to *Le Quotidien's*, which raises some questions since neither Sept-Îles nor the town of Saguenay are located in the vicinity of AIP-signatory Innu communities, and thus, of Innu Assi lands – the only lands that would be in full Innu ownership, contrary to what was being suggested by some actors in the press.¹¹² (Appendices 5 and 6)

Finally, after examining the contents of these articles in more detail, it became evident that they could be further differentiated by category, or more precisely, that they could be related to the following distinct areas of argumentation: “loss of rights” (35 mentions), “loss of territory” (24), “self-government” (7), “unilateral process of negotiations” (23), “need for referendum/moratorium” (8), and “finality of a treaty” (9).¹¹³ I ultimately chose limit my analysis to articles that presented arguments on rights and territory; first, because these were the most prolific (59 vs. 47 for the other categories combined); second, because these concepts form the basis, as has been shown in this and the previous chapter, of self-government conceptualizations; and third, because “peaks” in news coverage can be correlated to specific “rights” and “territory” statements. In the following pages, the press articles containing these two types of argumentation are

¹¹² Although it would be interesting to assess this “newspaper by region” factor at more length, and I have in fact attempted to elaborate some graphics to provide a better picture of it, these have instead provided a very good illustration of my rudimentary Excel graphic-making skills. I therefore do not put too much focus on this factor during the presentation that follows, although allusions to it will be made (since it has undeniably had an impact on the “debate”) and in those cases, the reader will have to trust my reading of the data, which essentially shows two things: 1) three peaks in news coverage occurred over the course of the 2000-2003 period; 2) in some cases these peaks were caused by other media’s reporting, while in others, they were caused by public officials’ open letters to the editor.

¹¹³ It should be noted that this evidence is by no means considered “hard” data. Some articles appear in more than one category; many articles could not clearly be placed in any category. However, these data do provide a *general idea* of the situation.

presented in the chronological order in which they appear. After this presentation, the incompatibility between the government's and the general public's understandings of self-government that will have emerged will be further emphasized, when the contents of briefs that were presented to the Parliamentary Commission are, in turn, introduced.

Apartheid Reversed¹¹⁴

When that single article in *La Presse*, picked up the story that an Innu self-government agreement was in the works, on January 28th, 2000, it was actually quite reminiscent of the actual text of the AIP. This is not surprising since it seems to have been entirely informed by SAA minister, Guy Chevrette and provincial negotiator, Louis Bernard. Both are cited as stating that the agreement represented “a first” in that it would create “autonomous governments¹¹⁵” while “[recognizing] the Innu People’s ancestral right.¹¹⁶” (*La Presse*, 28-01-00, A10) Perhaps in a bid to reaffirm Quebec’s position as a leader in Aboriginal self-government negotiations, they emphasized that financial compensation would be to the tune of “42 000 \$ per individual, while they had only been 35 000 \$ in the case of the Nishga’as¹¹⁷” and that Innu ancestral rights would be recognized on a territory spanning “300 000km²”. (Ibid.)

¹¹⁴ Much as Arianne Loranger Saindon does in *Les Québécois et l'Approche Commune : une analyse du discours journalistique sur les négociations avec les Innus* (2005), newspaper articles presented in this section are cited by paper rather than by author. The goal being to present a general picture of the situation, citing by newspaper contributes to that presentation. Authors' names have been included in the bibliographical entries of these sources, which are also listed by newspaper.

¹¹⁵ “gouvernement autonome”

¹¹⁶ “reconnaîtront des droits ancestraux aux Innus”

¹¹⁷ “les retombées pour les Innus seront de 42 000\$ par individu, tandis qu’elles étaient de 35 000\$ pour les Nishgas [sic].” The title of the article was “Les Innus obtiendront plus que les Nisga’a” (The Innus will get more than the Nisga’as).

When the *Common Approach* proposal was finally released publicly, on March 26th, 2000, and the news of that event hit the written press, reaction was far less positive and content-oriented. Would this so-called “common” approach not lead to a “reversed apartheid, a territory where the majority would abdicate a portion of its rights”¹¹⁸, Saguenay Parti Québécois deputy, Gabriel Yvan Gagnon, asked?¹¹⁹ (*La Presse*, 26-03-00, A14) Regional president of the party’s chapter in the Côte-Nord, André Lessard, shared similar worries. It seemed to him that the “agreement” gave “more rights to Aboriginal peoples than Whites.”¹²⁰ (Ibid.) None of the local papers (*Le Quotidien*, *L’Étoile du Lac*, the *Progrès-Dimanche* or *Le Nord-Est*) appeared to share their elected officials’ concerns, however. (Ibid.) *Le Quotidien* first reported on the *Common Approach* in July of 2000, stating, like *La Presse*’s January article, that a future agreement would give the Innu “full governmental autonomy”¹²¹ and, citing Mammit Innuat negotiator, Guy Bellefleur, “territorial rights limited to territories comparable to the size of regional municipalities.” (Bellefleur, Mammit Innuat negotiator, in *Le Quotidien*, 06-07-00, 11, emphasis mine) There would only be one other mention of the *Common Approach* in *Le Quotidien* between then and May 10th, 2001, where focus, this time, would be on Mammit Innuat’s refusal to reintegrate negotiations. As for *Le Nord-Est*, if citizens in the Côte-Nord region were indeed in as much of an uproar as *Le Devoir* had them, as early as July

¹¹⁸ “l’apartheid à l’envers, un territoire où la majorité abdiquerait une partie de ses droits”

¹¹⁹ Gagnon’s question appeared, however, more related to his concerns about the “consequences to our sovereignist project” and the “unjustifiable” fact that the agreement would “recognize the [Canadian] Constitution,” than the breach of the rights of any citizens residing in the Saguenay/Lac-St-Jean and Côte-Nord regions. (*La Presse*, 26-03-00, A14) This possibility will be discussed further in the final section of this chapter.

¹²⁰ “davantage de droits aux autochtones qu’aux Blancs”

¹²¹ “une pleine autonomie gouvernementale”

2000, it was hard to tell from local papers, since the first mention of the *Common Approach* only appeared in January of 2002.¹²² (*Le Devoir*, 20-07-00, A1)

Between August 2000 and December of 2001, aside from a few statements that a signature of an agreement-in-principle could be expected before 2002, the press was largely quiet on the progress of negotiations. (*Le Devoir*, 25-10-01, A3) By mid-December however, the ingredients for the first real spark in the Innu self-government debate were starting to come together; what would ensue would be described by some as a veritable mass hysteria¹²³ among Saguenay/Lac-St-Jean and Côte-Nord inhabitants, who had become convinced that they were about to be dispossessed of their land. (Charest, 190) The catalyst for it all presented itself in the form of the Radio-Canada television show *Zone Libre*. In its December 14th edition, *Les Innus: des négociations historiques*, it reportedly presented a map of Quebec showing a territory encompassing both the Côte-Nord and Saguenay/Lac-St-Jean regions as “Innu territory” following from the “historical negotiations” taking place. (*Le Nord-Est*, 20-01-02, 3) Although no such map could be located¹²⁴, according to *Le Nord-Est* it “announced nothing less than the ceding of the Côte-Nord to Aboriginals.”¹²⁵ (*Ibid.*, 2)

¹²² According to my reading of *Le Nord Est* editions between 2000 and 2002, business in fact appeared to be going as usual. For instance, the August Uashat’s Innu Nikamu festival, did not lack in its usual popularity among neighbouring Sept-Îles citizens.

(As mentioned in footnote 108, a newspaper was missed in my analysis: the *Objectif Plein Jour*. This paper’s first report goes back to April 2000 and is titled “Quebec n’accordera pas de droit de veto aux Innus” (Quebec will not give a veto right to the Innus). It was very similar in tone to *Le Quotidien*’s June article. *Objectif Plein Jour* did not publish any other reports on the progress of negotiations until April 2002.)

¹²³ Paul Charest (2004) speaks of “paranoia collective”. (190) By January 22nd, Sept-Îles mayor, Ghislain Lévesque, was demanding that negotiators come calm things down. (*Le Soleil*, 23-01-02) In an editorial for *Le Soleil*, Sylvie Lemieux wrote that citizens worries were understandable, but “when we are talking about an eventual civil war, or making comparisons with the taliban, there are lines that should not be crossed.” (Mais de là à parler d’une éventuelle guerre civile ou à faire des comparaisons avec les talibans, il y a des limites qu’il ne faudrait pas franchir.”) (*Le Soleil*, 01-26-02, D4)

¹²⁴ Despite my best efforts, it has been impossible to get my hands on a copy of this particular episode of *Zone Libre* (a summary is found here: <http://www.radio-canada.ca/actualite/zonelibre/01-12/innus.html>). I have been given various contradictory reasons as to why I could not view it, including issues of copyright and the producer of the episode no longer working for Radio Canada.

¹²⁵ “n’annonce rien de moins que la cession de la Côte-Nord aux Amérindiens”

Soon thereafter, “L’Association pour la protection du droit des Blancs dans le Nitassinan” was founded and reached over 1000 members. (*Le Soleil*, 24-01-02, A17) “Since I will no longer have a country,” its president, André Forbes, decried, “I will have to pay taxes to the Innus. Where did my rights go?”¹²⁶ (*Le Soleil*, 24-01-02, A17). The “totality of the territory” of the Côte-Nord and Saguenay Lac-St-Jean was about to “be handed over to First Nations.”¹²⁷ (*Le Soleil*, 17-01-02, A13) A stunned Natashquan mayor jumped on the bandwagon and similarly deplored that there would “only be 5km² left for 360 Whites.”¹²⁸ (*Ibid.*) *Le Soleil* provided near-exclusive coverage of these and other concerned citizens’ and municipal leaders’ statements.¹²⁹ It also published additional, erroneous information, such as “Mamuitun would already have signed the treaty.”¹³⁰ (*Ibid.*) The stage for the first real boom in coverage had thus already been set when *Le Soleil* would go on to report that chief negotiator for Mamit Innuat, Guy Bellefleur, had stated that “Whites” were about to start “living on reserves.”¹³¹ (Bellefleur in *Le Soleil*, 19-01-02) The media frenzy that followed this alleged statement¹³² is especially interesting and worth examining further, with a Lakoffian approach in mind, because not only were citizens and public officials reacting with

¹²⁶ “Je devrais alors payer des taxes aux Innus n’ayant plus de pays, mais où sont passés mes droits?”

¹²⁷ “L’ensemble du territoire de la Côte-Nord et du Saguenay-Lac-St-Jean passerait alors aux mains des Premières Nations.”

¹²⁸ “il n’en resterait plus que 5 km² pour loger les 360 Blancs.”

¹²⁹ Very few mentions of Forbes’ statements – if any – could be found in the Montreal-based papers.

¹³⁰ “le conseil de Mamuitun aurait même déjà signé le traité”

¹³¹ “se retrouveront dans des reserves.” The article was titled “Les Blancs seront dans des réserves” (Whites will live in reserves).

¹³² I have had the opportunity to have an extensive discussion with Guy Bellefleur on this issue. He assured that he never said such a thing. He explained that he meant that Whites *already* lived as neighbours with the Innus, whose reserve is in fact located *in* the city of Sept-Iles (see appendix 6). Bellefleur’s version of events is corroborated by *Le Nord-Est*, where he assures that the rights of non-Aboriginals will be respected. (*Le Nord-Est*, 27-01-02, 2) Further, Bellefleur has told me that he attempted to have the journalist of *le Soleil* retract himself, but his request fell on deaf ears. Considering that the journalist in question is behind the majority of the negatively-spinned articles on the *Common Approach* in that paper, this is not surprising. I had in fact contacted Bellefleur based on that hunch.

outrage, but Quebec governmental officials and chief negotiators were issuing press releases in direct response to them.

In the first of many press releases made by Guy Chevette in the week of January 18th, he started by refuting the ideas that a “treaty” had been signed or that “the totality” of the Côte-Nord region was about to become “Innu territory.”(Chevette in SAA, 2002a) “This information is absolutely false”¹³³, he stated; “it is unfortunate that it was written without being verified”¹³⁴ – effectively accusing *Le Soleil* of poor journalistic integrity. (Ibid.) *No* treaty had been signed; *no* territories would be handed over to the Innus – especially not in the Sept-Îles region, where citizens were particularly vocal in expressing their discontent. (Ibid.) Indeed, the Innus of Uashat mak Mani-Utenam were not even *involved* in the negotiations; what were their closest neighbours, Septiliens, so worried about? (Ibid.) The only change a future agreement *would* bring was a “*harmonization of rights.*”¹³⁵ (Chevette in SAA, 2002b, emphasis mine)

Like Chevette, chief-negotiator for Mamuitun, Remy Kurtness, also repeatedly denied that any agreement had been signed. It should not be “deduced that the Innus will become full owners of the whole territory,”¹³⁶ he also emphasized; a final agreement would only give the Innus “*rights, like the right to fish, hunt, trap and gather.*”¹³⁷ (Kurtness in *Le Soleil*, 19-01-02, A7, emphasis mine) None of these official responses would have any impact in appeasing the debate over the scope of Innu self-government that was now raging in the press, as illustrated in the fact that Parti Québécois regional vice-president, Bernard Lefrançois, was now calling for a moratorium, and Manicouagan

¹³³ “Ces informations sont absolument fausses”

¹³⁴ “Il est dommage qu’elles aient été écrites sans avoir été préalablement vérifiées.”

¹³⁵ “l’harmonisation des droits”

¹³⁶ “déduire que tout le territoire revenait aux Innus en pleine propriété”

¹³⁷ “de droits, comme des droits de pêche, de chasse, de piégeage, de cueillette.”

MNA, Ghislain Fournier, was reassuring his constituents that he would not allow the government to “cede [Côte-Nord] territory”¹³⁸ to anyone.”¹³⁹ (*Le Nord-Est*, 27-01-02, 6-7; *Ibid.*, 2)

André Forbes, reinvigorated by this apparent wave of political support, started making clearer demands for his group’s inclusion in the negotiations process, to preserve, as he put it, “our rights, because we have rights too.”¹⁴⁰ (Forbes in *Le Soleil*, 22-01-02, A1) There was no way he would let what had now been transformed into “over 400 000 km²”¹⁴¹ of lands become “the *property* of Aboriginals.”¹⁴² (*Le Nord-Est*, 27-01-02, 2, emphasis mine) *Le Soleil*, was hung on every of Forbes’ words; the consistent news coverage it provided his statements would undeniably play a key role in enabling the rise of the next myth that would monopolize airwaves: that “a quarter of Quebec”¹⁴³ was about to be erased from the map by rich Montreal lawyers and politicians with no knowledge of or regard for the northern regions, which were struggling socio-economically, like the Innus. (*Le Soleil*, 24-01-02, A17)

A Territory Reduced to the Dimensions of a Stamp

Unable to debunk the pervasive beliefs that rights and territory would somehow be taken away from non-Aboriginals, Chevette resigned from the SAA on January 29th, 2002. (*Le Soleil*, 01-30-02, A3) Soon after his resignation, a new story emerged

¹³⁸ “ceder du territoire”

¹³⁹ “et demandera l’appui de son parti, le Bloc Québécois, dès la rentrée, le 28 janvier.”

¹⁴⁰ “nos droits, car nous aussi on a des droits”

¹⁴¹ “plus de 400 000km²”

¹⁴² “la propriété des autochtones.”

¹⁴³ “le quart du Québec”

suggesting that if the Innus could claim “ancestral rights”¹⁴⁴, so could “the descendants of Vikings, the Basques, Normand fishers and Bretons”¹⁴⁵ – and consequently, Septiliens and citizens of Saguenay too.¹⁴⁶ (Forbes in *Le Nord-Est*, 17-03-02, 5) A petition against the “secession” of the Côte-Nord territory started circulating; by February it had amassed over 4500 names.¹⁴⁷ By March, giving into the pressure, a newly appointed SAA minister, Remy Trudel, agreed to create a *table de concertation*¹⁴⁸ to allow Septilians to have their say in negotiations. (Ibid.) He also promised to come to the Côte-Nord in person and provide citizens with more information. (Ibid.) Unsurprisingly, none of these assurances would make Quebec’s signature of the official *Agreement in Principle*, on April 24th, any easier to swallow. (*Le Devoir*, 27-04-02, A4) This “great news” rather resulted in a second boom in coverage. A week after the signature, the Septiliens’ group upped the ante: Forbes now threatened to block roads and resort to violence if it was necessary. (Forbes in *Le Soleil*, 01-05-02, A5) “Welcome to Pequistan, the new Innu republic”¹⁴⁹, he stated in a news conference, while a Saguenay-based “Fondation équité territoriale” described the agreement as the “worse deceit or scam”¹⁵⁰ that had ever occurred in Quebec history. (*Le Soleil*, 01-05-02, A5; *Le Quotidien*, 29-05-02, 17) The AIP had been negotiated “in secret”¹⁵¹; “10 000 Aborigines had been and [would] continue to be consulted by their leaders, while over 380 000 Quebecers... had not at all

¹⁴⁴ “droits ancestraux”

¹⁴⁵ “les descendants des Vikings, des Basques espagnols et des pêcheurs normands et Bretons”

¹⁴⁶ Russel Bouchard has repeatedly made the argument that he is an Aboriginal.

¹⁴⁷ PQ Deputy, Normand Dugay, initially promised to bring it to Quebec. He would later retract himself and say that “the climate of semi-panic that has taken over the population is premature [and based] on erroneous information without foundation.” (*Le Nord-Est*, 17.03.02, 5)

¹⁴⁸ This term has many English equivalents: “coordination committee”, “round table” or “steering committee”.

¹⁴⁹ “Bienvenue au Péquistan, nouvelle république innue.”

¹⁵⁰ “la pire fourberie ou arnaque”

¹⁵¹ “dans le plus grand secret”

been consulted by *their* government.”¹⁵² (Ibid., emphasis mine) Trudel responded to these statements by repeating that nothing had been signed with Uashat mak Mani-Utenam – that single Innu community in the vicinity of Sept-Îles – and there was thus “no need to panic.”¹⁵³ (Trudel in *Le Soleil*, 01-05-02, A5) Even elsewhere, Innu autonomy would be “limited”.¹⁵⁴ (Trudel in *La Presse*, 01-05-02, A4) The impact of Trudel’s statements? A few days later, Forbes was calling for a referendum, demanding “equality between citizens with respect to their rights and duties.”¹⁵⁵ (*Le Nord-Est*, 05-05-02, 9, emphasis mine)

The fact that Louis Bernard had reportedly stated that the Innus’ rights would be “different, have priority and be superior”¹⁵⁶ to non-Aboriginal’s rights may have had something to do with the ever increasing popular outrage. (*Le Quotidien*, 01-05-02, 22) More legalistic clarifications concerning “ancestral” and “Aboriginal” rights would be dispensed over the next weeks in more information meetings, but again, this did nothing to appease what seemed to be, according to *Le Soleil*, *Le Quotidien* and *Le Nord Est* articles, the generalize mood in the Saguenay/Lac-St-Jean and Côte-Nord regions. In some cases, tensions had escalated to such a level that meetings had to be ended early or cancelled altogether. (*Le Soleil*, 22-05-02, A19; *Le Nord-Est*, 26-05-02, 5) It was *true*: the Innus would have priority hunting, fishing and trapping rights over Nitassinan lands, but this by no means translated into the annihilation of non-Aboriginals’ rights. The reason this came to be the generalized belief (at least, among a core of vocal activists) had little to do with the provisions that actually dealt with the Nitassinan, as it has been

¹⁵² “10 000 membres des communautés innus [sic] ont été et seront encore consultées par leurs chefs alors qu’environ 380 000 Québécois... ne le sont pas du tout par leur gouvernement.”

¹⁵³ “Il ne faut pas paniquer trop rapidement.”

¹⁵⁴ “limitée”

¹⁵⁵ “l’égalité des citoyens face à leurs droits et leurs devoirs.”

¹⁵⁶ “différents, supérieurs et prioritaires”

shown in the previous section. Rather, part of the problem was that there was always someone to say that the agreement *was* a threat to Whites' rights and *did* create two classes of citizens, or as André Forbes put it: forced Septiliens in "enclaves." (Ibid.; *Le Quotidien*, 29-05-02, 17; *Le Nord-Est*, 19-05-02, 17) Another factor was, of course, that there was always at least one newspaper to disseminate this false information.

Like his provincial counterparts, federal negotiator, André Maltais¹⁵⁷, also stated that "White" rights and territory would not be affected by any self-government agreement with the Innus, but he tempered that the population had to keep in mind "that tribunals have decided that First Nations have rights."¹⁵⁸ (*Le Nord-Est*, 23-06-02, 2) Quebec and Canada thus had no choice but to "*harmonize* them with the rights of non-Aboriginals"¹⁵⁹ – this was exactly how Chevrette had spinned the issue during the first media storm. (Ibid.; SAA, 2002a) By July, the most colourful actor in the Innu story, Saguenay/Lac-St-Jean's self-proclaimed advocate, Russel Bouchard, was well-advanced in his 'letters to the editor' campaign to contradict Maltais' thesis.¹⁶⁰ Not only did the *Common Approach* represent "a threat to the rights of Canadians"¹⁶¹ and were non-Aboriginals about to become "tenants"¹⁶² on their own lands, but the agreement itself represented "constitutional suicide."¹⁶³ (Bouchard, 2002, D5; *Le Quotidien*, 21-05-02, 8) Indeed, it would force citizens living on the "occupied territories"¹⁶⁴ under "the Innu *constitutional*

¹⁵⁷ In case of confusion, Maltais was also the minister of the SAA in 2005.

¹⁵⁸ "les tribunaux ont établi que les gens des Premières Nations ont des droits"

¹⁵⁹ "harmoniser ceux-ci avec les droits des non-autochtones"

¹⁶⁰ Bouchard had already added his two cents before, but the volume of his publications greatly increased starting in June, coinciding with the information tours in the region. Between May and November 2002 alone, he wrote a total of 14 letters, including 2 that were published in *Le Soleil*.

¹⁶¹ "une menace pour les droits des Canadiens"

¹⁶² "locataires"

¹⁶³ "dérapage constitutionnel suicidaire"

¹⁶⁴ "zones occupées"

umbrella”¹⁶⁵, which would be “superimposed, even *subrogated* in some areas, to the *Canadian constitution*.”¹⁶⁶ (Ibid., emphasis mine) At this point, Bernard and Maltais could continue reemphasizing that no rights would be affected all they wanted, that an agreement would only “harmonize” them with the rights of non-Aboriginals, it was too late – nothing, it seemed, could dispel this new pervasive myth that Innu self-government would somehow translate into *sovereignty* over 300 000km² of land.

It was at this time that Bloc Québécois MP, Ghislain Lebel, chose to enter the stage and publish his own letter to the editor, which would lead to the beginning of the end of the *Common Approach*. Indeed, the publication of this letter coincides with the final peak in news coverage in the 2000-2003 period. Not only were the breaches of non-Aboriginals’ rights aberrant, Lebel wrote, but if the Parti Québécois’ plan went through Quebec’s sovereign territories would be “reduced to the dimensions of a *postage stamp*.”¹⁶⁷ (Lebel, 2002, D5, emphasis mine) As had been the case the previous January, when the rumour that a map of Innu territories encompassing the whole of the Côte-Nord and Saguenay/Lac-St-Jean regions began circulating, negotiators and elected officials immediately went into damage-control, except they were now needing to state in capital letters that the agreement would change nothing – “R.I.E.N.” (Bernard in *La Presse*, 13-08-02, A3) The same arguments were launched from one side to the other: Whites will lose their rights/the rights of Whites will remain the same; local populations will live in enclaves/local population will “not see a difference.”¹⁶⁸ (Ibid.; *La Presse*, 17-08-02, B4; *Le Nord-Est*, 25-08-02, 6) More legalistic explanations concerning Aboriginal “ancestral

¹⁶⁵ “sous le parapluie constitutionnel inuit”

¹⁶⁶ “qui se superpose à l’ordre constitutionnel canadien, voire même le subroge à certains égards”

¹⁶⁷ This translation is Hilling and Venne’s. (12)

¹⁶⁸ “ne verront pas la différence”

rights” and the distinction between “extinguishment” and “harmonization” in as many interviews and press conferences did little to change the firmly held belief that the agreement amounted to nothing more than robbing Peter to pay Paul. (*La Presse*, 13-08-02, A3; *La Presse*, 17-08-02)

The fate of an Innu self-government final agreement was definitively sealed when Jacques Parizeau then presented himself as a self-government negotiations expert and declared to the press, in an long and carefully worded letter, that the AIP represented “potential dynamite”¹⁶⁹ on Quebec’s legal and territorial landscape. (*La Presse*, 28-08-02, A1; *Le Soleil*, 29.08.02, A1) It gave *too much*, he worried – so much that it could be inferred that Quebec’s own *sovereignty* was at stake. Parizeau did not have to make this statement outright; it had already been made, and would continue to be made, numerous times for him. The Cree model of *extinguishing* rights, he argued, was much better. Indeed, it was the same model *he* had proposed to the Innus back in 1994, which they had rejected. (Ibid.) Parizeau’s letter, of course, made front-page news in all the papers, much as Lebel’s editorial two weeks earlier. The day following his call for a more “careful” analysis of what the AIP “actually” set out (which he knew, indeed being qualified to assess such documents, was only a *general blueprint* of a final agreement) a parliamentary commission was ordered in what might be seen as a fit of general annoyance by the government. The Commission was to take place in January of 2003. Guy Chevrette was invited back to the forestage, equipped with a mandate to tour the regions again and hear out citizens’ concerns while providing them with more “information” such as: Innu legislative powers will only apply to the Innu Assi, or “ancestral rights on the Nitassinan will have to respect the constitution”, as well as a good

¹⁶⁹ “dynamite potentielle”

dose of “nothing has been signed yet”¹⁷⁰ and the government has “no other choice but to negotiate.”¹⁷¹ (*Le Nord-Est*, 27-10-02, 2) In the meantime, the Bouchards, Forbes and Lebel of the debate had the field wide open to continue perpetuating an understanding of Innu self-government as being incompatible “with the notion of *sovereignty*.”¹⁷² (Lebel in *Le Nord-Est*, 22-09-02, 5, emphasis mine)

Sovereign Powers

What this in-depth examination of the language of the Innu self-government debate has shown so far is that “self-government” has been framed as a “harmonization of rights” by the government, and alternately, “loss of rights”, “loss of territory” and ultimately, “loss of Quebec sovereignty” by the various actors opposed to its implementation. This is because the fact that Innu ancestral rights would be protected over an estimated 300 000km² was taken to mean by the public that the Innus would have *property rights* over these lands, while Innu legislative powers were seen as being equivalent to a *third order of government*, as some briefs that were submitted to the Commission des Institutions de l’Assemblée nationale du Québec argue. Their closer examination also reveals the source of the polarization between the public’s and the government’s understanding of Innu self-government: not just the statements of few politicians and activists; not just the fact that some newspapers provided these statements ample airtime, but the *text* of the agreement itself.

¹⁷⁰ “rien n’est encore signé”

¹⁷¹ “d’autre alternative que de négocier”

¹⁷² “incompatible avec la notion de souveraineté”

First, it should be said that the general opinion that emerges from the 88 briefs by some 77 organizations and persons that were submitted to the Commission is not quite as cut and dry as opinion expressed in the press. This view is also supported by anthropologist, Paul Charest (2001), who actually attended the Commission and submitted his own brief. (191) Indeed, presentations, on the whole, tended to be positive and represented the opinion of a greater variety of actors.¹⁷³ The town of Roberval for instance, which is located closest to Mashteuiatsh (appendix 5), felt that the AIP was a good agreement – a necessary one, in fact. After all, Mashteuiatsh and Roberval were like “an old couple”¹⁷⁴; the town was therefore eager to make its already good relations with neighbouring Aboriginals even more harmonious. (Ville de Roberval, 2003, 1) Its only criticism rested on the fact that it would likely lose some tax revenues since 10 or so of its properties were located on the future Innu Assi, but this was not seen as a problem that could not be resolved. (Ibid., 2) This attitude is reflected its local newspaper, which reported on the *Common Approach* sparingly between 2000 and 2003, never appearing to notice that media storms were occurring elsewhere.

Roughly a quarter of the other briefs that were submitted to the Commission, however, did pick up on the same rights and territory arguments that have been outlined so far. For example, according to the Association de chasse et pêche de Forestville, the AIP should “contain more elements making reference to principles of *equality* rather than notions linked to the *cession* of already awarded privileges.”¹⁷⁵ (Association de chasse et pêche de Forestville, 2003, 6, emphasis mine) Indeed, their members should not have to

¹⁷³ Briefs were submitted by various Aboriginal organisations, municipalities, regional county municipalities (MRC), regional development councils, fishing, trapping and hunting associations, outfitters associations, unions, political parties, representatives of the forestry and mining industry, and some academics and citizens.

¹⁷⁴ “un vieux couple”

¹⁷⁵ “devrait contenir des éléments faisant référence à des principes d’égalité plus souvent qu’à des notions rattachées à la cession de privilèges accordés.”

give up *their* rights in order to give rights to the Innus. (Ibid.) Citizens of the village of Les Escoumins similarly felt the need to emphasize that they had “the *same rights* as all the Quebeckers of this land.”¹⁷⁶ (Comité de citoyens des Escoumins, 2003, 8, emphasis mine) They did not “mind [the Innus] demanding rights, but we don’t want the consequence to be us being governed by *the laws of a third level of government.*”¹⁷⁷ (Ibid., 9, emphasis mine)

What impact would this new government have in practice? According to the Regroupement des trappeurs de la Côte-Nord, which drew on statements by Ghislain Label, it meant its members would “no longer have *full ownership and sovereignty* [on the lands encompassed by the Nitassinan].”¹⁷⁸ (Regroupement des trappeurs de la Côte-Nord, 2003, 13, emphasis mine) Instead, their possessions were about to be transformed into “Innu property”¹⁷⁹ – a view that appears to unanimously inform the opinion of the few, much as in the previous section, who believed Innu self-government would ultimately put the people of the Côte-Nord in an “enclave”. (Comité de Citoyens des Escoumins, 14; Municipalité des Bergeronnes, 2003, 20) In essence, the rationale was that the *recognition* of Innu ancestral rights amounted to a “politique du deux poids, deux mesures”, or the infamous two-tiered system.¹⁸⁰ If a final agreement was signed, Whites would then be told by the Innus: “You are on *our* land,”¹⁸¹ as *Le Soleil* had Guy

¹⁷⁶ “les mêmes droits que tous les Québécois sur cette terre”

¹⁷⁷ “Nous ne sommes pas contre le fait [que les Innus] revendiquent des droits, mais nous ne voulons pas que cela ait pour conséquence d’être dirigés par les lois d’un troisième gouvernement.”

¹⁷⁸ “le propriétaire ne sera plus pleinement propriétaire et souverain [sur le Nitassinan].”

¹⁷⁹ “propriété Innus [sic]”

¹⁸⁰ People who live in Quebec are well-aware of an ominous “two-tiered system.” They have heard about it in the “reasonable accommodations” debate, in the ADQ “restructuring health care” debate and, more recently, in the Quebec Lucide “refinancing education” debate, to name only those few. In fact, the findings in this section appear to give credence to a corollary thesis that a “two-tiered system” metaphor, such as has been launched in the public imagination by a political, sovereignist elite here, is a very culturally-adapted weapon for halting any project or policy that goes against its interest.

¹⁸¹ “vous êtes simplement chez nous!”

Bellefleur saying back in January 2001, resulting in the first media boom and the rise of a belief that the AIP would create “a third level of government, an Innu one, answerable to no one.”¹⁸² (Groupe des pionniers septilliens, 2003, 2; Municipalité des Bergeronnes, 16-18)

Russel Bouchard, the self-proclaimed defender of Lac-St-Jean’s interests, continued with this line of argumentation during his presentation, reiterating, as he had done in his numerous letters to the editor, that the AIP announced nothing less than the “dispossession of our people.”¹⁸³ Indeed, according to his colourful brief, the document “violated [Quebec] in its sovereignty.”¹⁸⁴ (Bouchard, 2003, 17) This opinion was shared by Parti Québécois regional vice-president, Bernard Lefrançois, who similarly concluded that Innu governments would be allowed to pass laws that would apply “not only on their territory (Innu Assi) but also on the territory they share with non-Aboriginals (Nitassinan).”¹⁸⁵ (Lefrançois, 2003, 4) If this was the case, Lefrançois hypothesized, would this not create “a kind of country in a country?”¹⁸⁶ (Ibid.) By Bouchard’s account, it certainly would, and in more creative terms, it meant Quebeckers would be “banished” from their lands “like the worse of thieves.”¹⁸⁷ (Bouchard, 17) Even if this conclusion could not be reached by any logical means, it did not really matter. As Lebel had reminded readers when he wrote his letter to the editor, the recognition of ancestral rights on the Nitassinan would open the door to *all* Aboriginals of Quebec laying claim to the land. (Lebel, 2002, D5) Innu self-government, no matter its scope, was thus a “threat” to

¹⁸² “un troisième niveau de gouvernement, Innu celui-là, et qui n’a de compte à rendre à personne.”

¹⁸³ “Notre peuple a été dépouillé de son pays”

¹⁸⁴ “violé dans sa souveraineté”

¹⁸⁵ “non seulement sur le territoire qui leur appartiendrait en propre (Innu Assi) mais aussi sur celui qu’ils partageraient avec les non autochtones (Le Nitassinan).”

¹⁸⁶ “un espèce de pays dans un pays?”

¹⁸⁷ “banni de ses terres comme le dernier des mécréants”

be taken extremely seriously because it would eventually lead to a situation where Quebeckers would have to fend for themselves on a *sovereign* Aboriginal territory, “with for only consolation prize Saint-Denis street’s washed out sidewalks and the *Vieille Capitale*’s old ramparts.”¹⁸⁸ (Ibid.) This vision of things indeed had the ring of the “apartheid reversed” that Parti Québécois deputy, Gabriel Yvan Gagnon, had imagined back in March 2000. (Gagnon in *La Presse*, 26-03-00, A14)

The premise for these arguments, however, was not just André Forbes’, Ghislain Lebel’s, or Russel Bouchard’s lucrative imaginations; it had been provided by ex-Premier of Quebec, Jacques Parizeau himself, who claimed, in his August 18th open letter to the media, that the Nitassinan was the most “complicated, ambiguous and strangest of territorial phenomena”¹⁸⁹ and that “since 300 000 km² are at stake, thus, 18% of Quebec territory (for 8700 inhabitants), it is useful to examine [AIP provisions] in more detail.”¹⁹⁰ (Parizeau, 2002, A16) What did these provisions say? As outlined in the AIP section, and as Parizeau took great effort to demonstrate: that the Innus would have their own *legislative assemblies* and *constitutions*. (Ibid.) Although Parizeau never outright stated that these concepts were sister-concepts of sovereignty, this is how many, like the town of Saguenay, would come to interpret them. Indeed, it was on that basis that Saguenay’s mayor, Jean Tremblay¹⁹¹, presented his “proof” to commissioners that the Innus would have powers equivalent to the *National Assembly*’s ability “to pass laws

¹⁸⁸ “en guise de prix de consolation, que les trottoirs délavés de la rue Saint-Denis et les ramparts ébréchés de la *Vieille Capitale*.” It should be noted that Saint-Denis street’s sidewalks, far from being washed-out, are actually quite flowery this time of year.

¹⁸⁹ “le plus compliqué, le plus ambigu, le plus étrange des phénomènes territoriaux”

¹⁹⁰ “Comme 300 000 kilomètre carrés sont en cause, soit 18% du territoire du Québec (toujours pour 8700 habitants), cela vaut la peine qu’on s’y attarde un peu.”

¹⁹¹ Some may recall his frequent and colourful interventions during the Reasonable Accommodations debate.

regarding its territories and the citizens who live on it.”¹⁹² (Ville de Saguenay, 2003, 12). This begged Fondation équité territoriale’s question: did Quebec really have “the constitutional capacity to give up its *own* powers to create autonomous governments?”¹⁹³ (Fondation équité territorial, 2003, 9, emphasis mine)

Quebec, of course, never had any intention to give up its legislative powers or sovereignty, but it appears that a sovereigntist political elite certainly *did* feel that the *Common Approach* was a threat to “our sovereigntist project.”¹⁹⁴ (Gagnon in *La Presse*, 26-03-00 A14; Lebel, 2002, D5) Indeed, Parti Québécois officials were the first to feed the myth of a two-class society to the public, as early as March 2000, when the question as to whether the *Common Approach* might lead to reversed apartheid was asked, which would eventually lead to an understanding of Innu self-government as a *loss of rights*, then, *loss of territory* for all non-Aboriginal populations also living on those 300 000km² of Nitassinan lands. The premise of the argument that the Innus would somehow become *sovereign* over this territory, however, which emerged in the second half of the debate, cannot simply be located in political partisanship. The fact that it only appeared *after* April 2002 is actually further indication that it was grounded in the text of the agreement itself. Indeed, had the AIP not been published, no one could have picked up on the language of Innu *legislative assemblies* and Innu *constitutions* that would have “the status of fundamental law” – terms that would turn up, again and again, in most of the briefs that took the position that the AIP was a threat. (Quebec, Ottawa, Mamuitun and Nutashkuan, s.8.1.4)

¹⁹² “Équivalent d’un parlement pouvant édicter des lois s’appliquant sur leurs territoires et sur les citoyens qui y vivent.”

¹⁹³ “On peut s’interroger si l’Assemblée nationale possède la capacité constitutionnelle de céder ses propres pouvoirs pour créer des gouvernements autonomes.”

¹⁹⁴ “notre projet souverainiste”

Ironically, this legal terminology may have been novel for a self-government agreement, but it represented no novelty in practice, as Parizeau would surely have been aware of when he brought it up in his open-letter, being so familiar with self-government legislations due to his own experience negotiating the *Paix des Braves* with the Crees. Indeed, the CNQA is the Crees' constitution, except it is referred to as a "local government act", which governs the *internal* administration of incorporated Cree bands, like all Canadian corporations are governed by theirs. This by no means translated into "sovereign" corporations, or Cree sovereign powers. In the case of Cree corporations, it only meant that their *band councils* would have legislative authority over their *category I lands*, just as Innu *legislative assemblies* would never be empowered to govern lands beyond their Innu Assis. In fact, this erroneous interpretation of the AIP's legal provisions actually sheds more light on the source of an understanding, by Taiaiake Alfred and the Royal Commission, of Cree self-government as essentially amounting to nothing more than a "glorified municipality" model of governance. Indeed, as Innu constitutions have evoked State sovereign powers in this debate, it may similarly be speculated that the *bylaw-making* powers outlined in the Crees' "special legislation for *local government*" has had a role to play in the interpretation that they only practice powers associated to the *municipal* realm.

In sum, when a Lakoffian approach is applied to the case of the Innus, it reveals that the Quebec government has a big share of responsibility in the shelving of what it called the most novel self-government arrangement in the history of Canadian Aboriginal-State relations – an agreement the Innu people have been waiting on for

nearly four decades. First, *it* provided the notion of Innu “rights” over 300 000km² of land, as illustrated in the first article outlining the *Common Approach* in *La Presse*, which was informed by the minister of the SAA, Guy Chevrette, himself. (*La Presse*, 28-01-00, A10) Second, as soon as a movement of opposition emerged and began claiming that “White rights” would be taken away, *it* retaliated by framing Innu self-government as a “harmonization of rights”, which was only an amendment of the “rights” frame that has proved problematic in the first place, because it evokes the very idea of “creation of two classes of citizens” the government was attempting to dispel. Indeed, by harmonization of rights is implied “balancing out of rights”, which in turn raises the possibility that non-Aboriginals’ rights would weigh *less* in the balance. Although numerous public information meetings were organized to shake this belief, where consecutive SAA ministers and *Common Approach* negotiators repeatedly emphasizes that the agreement *would not* lead to a loss of non-Aboriginals’ rights *or* Innu sovereignty over the territories they shared in common, this had no significant impact on public opinion, as further emphasized in Commission briefs, confirming, like in the previous chapter, Lakoff’s first precept that facts alone do not alter beliefs.

An Innu case study also provides a better demonstration of Lakoff’s second and third precept: negating or borrowing problematic frames, such as the “rights” frame here, leads into the frame trap. The difference with Lakoff’s Democrat/Republican example is that the government not only negated another frame of Innu self-government as “sovereignty”, *it*, along with Innu negotiators, provided the frame itself, albeit unwittingly, in the form of AIPs provisions on Innu constitutions and legislative assemblies. This comment by Bernard Lefrançois during the Parliamentary Commission

illustrates the source of the “sovereignty” deduction more succinctly: “there is nothing in the Canadian Constitution that allows for the recognition of other constitution within the country.”¹⁹⁵ (Lefrançois, 4) Indeed, had the general population been polled on this question, they would probably have agreed with Lefrançois’ assessment and been outraged at the idea that *some* communities could enact theirs.

Thus, as a result of a poor communications strategy, but also, and more importantly to this paper, a poor assessment of the *impact* of language in self-government making, an ill-informed public, outraged by the possibility that Quebec sovereignty might metaphorically be reduced to the size of Lebel’s postage stamp, effectively caused the government to go back on its position and put negotiations toward a final agreement on hold, where they remain today. Essentially, as the American Democrats, who had consistently argued against the “tax-relief” frame of the Republicans, the Quebec government shot itself in the foot. These findings are especially instructive when we bring our attention back to the broader Aboriginal well-being debate. Not only have I shown that there is a significant polarization in understandings of self-government in this and the previous Cree self-government debate, but it emerges again *between* them. Indeed, an Innu model of self-government has been shown to be basically identical to a Cree one; it is therefore very intriguing that it would come to be interpreted as giving up *too much* sovereignty, whereas in the Cree case, for Taiaiake Alfred and the Royal Commission at least, the argument was that it did not make them sovereign *enough*. This finding thus demonstrates my basic thesis that a “self-government” frame *is* the problem with respect to finding practical ways to increase Aboriginal Peoples’ well-being: the

¹⁹⁵ “Il n’y a rien dans la Constitution canadienne qui permet la reconnaissance de d’autres Constitutions à l’intérieur du pays.”

concept of self-government is open to whatever interpretation in which it is reframed. Arriving to this ultimate conclusion, however, is admittedly no more useful to self-government debate than having misinformed or worldview-driven actors governing its terms. There was a strategy at the end of a Lakoffian approach and if we have been convinced of the merits of a language-based approach so far, we should assess whether it might, as Lakoff suggests, bring all this debating to a close, as I propose to do in the next and final chapter.

Chapter IV: Conclusions

The project of this thesis paper was based on a hunch: that there was a problem with the “language” of self-government. It came some time after attending two different conferences on Aboriginal Governance. The first, was a students’ conference held back in December 2007, where I presented a paper on Cree self-government that met some strong criticism from a Dene academic by the name of Glen Coulthard, whom, I did not know it at the time, had been a student of Taiaiake Alfred’s. To provide some context, I was employed as a research assistant at DIALOG, an Aboriginal research and knowledge network, and had been given the opportunity to examine several self-government legislations, most notably the JBNQA and the CNQA. Knowing nothing of the field of Aboriginal governance at the time, I had no preconception of what I was supposed to read in between the lines of legal provisions. I just outlined, as I was asked, the various aspects of both documents that were related to governance. The resulting paper, which I presented at this students’ conference, concluded that the Crees were indeed self-governing. Not only was the language clear, but I had found several Statistics Canada studies that showed that this increased autonomy in their affairs had had some tangible impacts on their quality of life. After my presentation, however, Glen Coulthard immediately criticised my findings on the basis that the Cree model was *not* an example of self-government. Yet, not only were there legal provisions to back my argument (most notably, health and education dispositions), but the Crees also had one of the highest levels of quality of life among Aboriginal Peoples in Canada. (Appendix 2) How could this *not* mean they were self-governing? What *did* self-governing mean then? I would

not get Coulthard's answer.

Then, in February of 2008, I attended a second conference in Victoria, British Columbia, in the broader fields of Aboriginal law, rights and governance. Coulthard was again in attendance, but this time, as a presenter. After his presentation, I went to see him and asked if we could reopen our discussion on Cree "self-government" where it had abruptly left off the previous December. He agreed. Specifically, I asked if we could at least agree that the Crees indeed had significant administrative control over health and education and that these aspects of Cree governance were desirable in light of Statistics Canada data? The discussion did not go on very long. He conceded that the evidence was interesting, but the model was still wrong. It was as if the simple fact that it was a *Cree* model made it unacceptable – a situation reminiscent of a Taiaiake Alfred concluding that the models of Nisga'a and Sechelt governance were unacceptable without *a priori* having assessed their contents.

At this time, I was already in the beginning stages of preparing this thesis paper. Although I did not yet know what shape it would take, I knew my goal was to refute the conclusion in the RCAP report (which I had also been brought to examine at DIALOG), that a Cree model of governance only enabled the exercise of municipal powers. After this second meeting with Coulthard, however, I put that idea on ice. After all, if I could not convince members of the very communities whose future I had at heart, I did not see the point of my work. I was driven by an honest desire to see the situation in Aboriginal communities change – not to be right. In light of empirical data in the Cree case, I thought the model should at least be given a second look, but as the non-Aboriginal that I

was, the opinion of a Dene academic mattered more to me. My assumption was that he *must* know what Aboriginal self-government was better than I.

Meanwhile, back at DIALOG, I was asked to assess the Innu *Common Approach*. Again, I poured over legal provisions, but this time I was able to complement my understanding of the negotiation process by conducting a thorough press review, since developments were more recent. It was after essentially reading my own final analysis in Chapter 3, but in the form of hundreds of news articles, that I understood why I could not get Coulthard to make any concessions: at stake was not *my* understanding of Cree self-government, but the fact that self-government was, by nature, open to interpretation, much as the debate that still rages on as to the specific definition of “nation” or “nationhood”. Indeed, as it has been shown throughout this paper, self-government is defined very differently depending on which theoretical hat we wear. In the case of Glen Coulthard, I had been arguing with someone who fundamentally defined self-government, like his ex-professor and current research collaborator Taiaiake Alfred, from a post-colonial perspective that sees it as the recognition of sovereignty. Yet, my definition of self-government had always been the government’s! I had even specified this in footnote to my initial paper’s introduction and provided the actual text of the *Inherent Right to Self Government* policy, which defined that “right” as Aboriginal Peoples’ ability to:

govern themselves in relation to matters that are internal to their communities, integral to their unique cultures, identities, traditions, languages and institutions, and with respect to their special relationship to their land and their resources.” (Indian and Northern Affairs Canada, 1995)

Of course, I no longer take this position. “Self-government” can obviously not be defined in a sentence. But my need to define it and the resulting impossibility of having a simple discussion on *practical* ways to increase Aboriginal Peoples socio-economic well-being was a concrete illustration of a small book I had read some time earlier, and which I had not given much thought to: George Lakoff’s *Don’t Think of an Elephant! Know Your Values and Reframe the Debate*.¹⁹⁶

Throughout this paper meticulous attention has been paid to the language of “self-government.” This approach was based on the premise that language matters, which is the argument of Lakoff’s work. His language-based approach has revealed that an “Aboriginal/Canadian well-being gap” persists in Canada because there has been dispute over the meaning of the *only* solution that has been proposed. Even a staunch opponent to current self-government legislations like Taiaiake Alfred has framed the “solution” in terms of “self-government”, but which he saw as “founded on an ideology of native nationalism and a rejection of model of government rooted in European culture values.” (Alfred, 2) Similarly, actors involved in the Cree and Innu self-government debates have conceived of self-government very differently depending on which side of the debate they stand. More precisely, a Lakoffian approach has shown that a debate over increasing Aboriginal well-being has not been centered on finding solutions, but on “who gets to govern the terms of the debate.” The cause of the Aboriginal well-being gap is of course, not the language of self-government itself, but the lack of a directed, coherent and consistent approach toward self-government policy-making. The cause of the stagnation

¹⁹⁶ I am very grateful to Dr. Ed King for giving the Politics and Culture course, where this book was introduced.

at the policy level, however, *is* the concept of self-government itself. Indeed the debates over self-government presented here have never been debates over current self-government agreements, or agreements in the works; they have been debates over *which language should govern our perception of Aboriginal Peoples' relationship with the State.*

I have made my case by essentially “unboxing” the semantics of the arguments for or against a current self-government model and model-to-be. This has revealed, in the case of the Crees, not only different understandings of self-government, but a prevalent understanding as enabling only “municipal powers.” Further, different understandings of Cree self-government have been shown to be grounded in incompatible worldviews, as illustrated in my own discussions with Glen Coulthard and an examination of Alfred’s work, where a post-colonialist or dependency theory view of the world has clearly proven to be in conflict with a governmental, liberal view of self-government defined as “good governance.” A Cree case study has also revealed that a view, by Papillon and the Royal Commission on Aboriginal Peoples, of self-government as representing “no panacea”, has lead to a situation where important evidence has “bounced out” of their analysis – evidence that painted a picture of basic socio-economic improvement. This would be in accordance with a Lakoffian precept that facts alone do not alter beliefs. It is also the first demonstration of my principal argument: if we were really dealing with a debate over Cree self-government, or more generally, increasing Aboriginal well-being, all the relevant data would have been included in these actors’ analyses.

This dichotomy in understandings of self-government has re-emerged in an Innu debate. The case of the Innus in particular has more clearly illustrated two other

Lakoffian precepts that negating and borrowing frames reinforces them and this, in turn, leads into the “self-government frame-trap”, where a debate over Cree self-government also ultimately arrives. This frame trap has translated into a situation where a particular model of self-government has been shelved altogether – either as a solution at the national level, or the local, Innu level. Further, a case-study of the Innus has shown that a different communication strategy might have led to a different end. Indeed, the government’s framing of self-government as a “harmonization of rights” has been shown to reinforce an understanding as a “loss of rights” for those who opposed the agreement. Although numerous public information meetings were organized to dispel this myth, this had no significant impact on public opinion. On the contrary, the more governmental officials focused on refuting erroneous claims on the meaning of Innu self-government, the more newspapers covered story, resulting in increased mentions of the problematic frames and their monopolization of the public imagination. Further, the terminology of the agreement itself provided the government the rope with which to finally hang itself, although a sovereigntist political elite ultimately tightened its noose.

This demonstration has yielded a final insight: a dichotomy not only exists within the Cree and Innu self-government debates, but also *between* them. Indeed, if we accept that a Cree model of self-government and an Innu model, from a legal standpoint (and based on rights, territory and self-government provisions), are basically identical, it is particularly ironic that the “winning” frames in each debate, respectively, “municipality” and “sovereignty”, would be located on each end of what has clearly emerged as the self-government continuum. This, in turn, reinforced my basic thesis: that self-government has not been enacted more consistently across Canada, despite being said to be the

“solution” to increasing Aboriginal Peoples’ quality of life, because it is a multi-definitional concept, which is open to whatever interpretation in which it is reframed. In essence, self-government is the proverbial elephant in the room.

Some words must now be said on Lakoff’s final prescription, which is appealing to the utopian as myself: *just change the language*. It was the initially my intention to do just that here, by presenting a literature on “co-management”, which I felt had interesting potential. (Berkes, 2007; Plummer and FitzGibbon, 2007; Plummer and Fennell, 2006) Indeed, a theory of co-management as “governance” appeared to describe a Cree model to a T. Co-Management Theory posits that 1) agreements are not imposed and negotiations are bottom-up; 2) agreements are the subject of extensive deliberation and negotiations; 3) agreements include resource management joint-committees¹⁹⁷; and 4) agreements represent a continuous, evolutionary process requiring constant renegotiation. (Berkes, 21-28) It was on this last point in particular that I saw the most potential, because it enabled a reconceptualization of self-government as *process* rather than end-point, as has in fact been the case for the Crees since 1973.¹⁹⁸ I thus imagined that we could “reframe” the debate in these terms, i.e., that I might have arrived to an agreement with Glen Coulthard, for instance, had I argued that the Crees had a better quality of life because they were in a *co-managing relationship* with the governments of Quebec and Canada, rather than “self-governing”. Further, if the government changed its self-government policy to a coherent “co-management policy” maybe this would speed up the process of bridging the Aboriginal/Canadian well-being gap as well, by providing a more

¹⁹⁷ Although nothing has been said on this subject in chapter 2, the Crees are in fact members of such joint-committees (forestry for instance).

¹⁹⁸ Negotiations toward the 1975 JBNQA led to negotiations toward the 1984 CNQA. Implementation and financing problems (among other things) led to negotiations toward the 2002 *Paix des Braves*.

concise framework on which to base a new approach. If this were possible, it would ultimately confirm Lakoff's thesis that if frames shape our understanding of the world, they also shape our social policies and institutions, and if framing shapes social policies and institutions, *reframing is social change*. (Lakoff, 2006, 1) There are some problems with this thesis, however: how would trading one conceptual term, "self-government", for another, "co-management", alleviate tensions over conceptual meanings? Second, how would reframing the debate in terms of co-management *alone* have impacted an Innu debate? Indeed, it has been shown that the principal ideas that were at stake in that case were *rights* and *territory*. How then, would a language of "co-management as governance" provide politicians with better tools to persuade the public that *their* rights and territory would not be taken away? This brings us back to Lakoff's "theory of framing", which posited that framing was the art of *selling values*. It appears that reframing the debate in terms of co-management is not reframing it in terms of values: it is dressing it up with more conceptual terms. Yet, as Lakoff has argued, to sell our values requires we begin by *knowing* them. Do we really know our values with respect to Canada's Aboriginal Peoples?

Perhaps we might imagine a situation where the way in which self-government, co-management, whatever we want to call Aboriginal *empowerment*, is sold is by using frames that evoke *that* value. In the case of the Innu self-government debate, even the Bouchards, Forbes and Lebel of the Innu debate could concede that the situation that persists in Aboriginal communities is unacceptable before adding their "but: our rights". But here, we are again faced with the limitations of a Lakoffian approach: indeed, how

would one go about reframing self-government in terms of the desired end: empowerment? *Don't Think of an Elephant!* does not come equipped with a methodology as to how to choose “winning frames.” It does, however, direct us to another literature, on which it is based and which I briefly outlined in Chapter 1.

The findings of cognitive science and psychology are not surprising. It has been known for millennia that fables give wings to political speeches, because as Lakoff and Johnson put it in *Conceptual Metaphors in Everyday Language* – the backbone of *Metaphors We Live by* (1980), itself the theoretical framework behind *Don't think of an Elephant* – “our conceptual system, in terms of how we think and act” is fundamentally metaphorical in nature.” (Lakoff and Johnson, 454) If we go back to Lakoff and Johnson's example of argument as being conceptually understood as war, a tentative answer to the framing dilemma presents itself: indeed, a presentation of an Innu and Cree case-study appears to suggest that self-government is conceptualized in terms of *territory*, where the immensity of what used to be Turtle Island has been opposed to the smallness of a municipality – or a postage stamp. A third and final media boom arguably occurred after Lebel provided the stamp imagery because it activated an associated worldview, or rather a foundational myth: Quebec's myth of its great, white, forested and resource-rich North, which feeds hydroelectric dreams or resent from those who feel they have not seen their dividend: less socio-economically well-off regions, like the Saguenay and Côte-Nord regions, arguing with the center not to give anything to the Innus unless they get a share. To argue *for* self-government here, was essentially to argue that citizens of Sept-

Îles and Chicoutimi should live poorly on such a rich land, as Bourassa had evoked to give wings to his “project of the century” three decades earlier.¹⁹⁹

An abundant cognitive science literature, on which a Lakoffian approach is based, appears to locate its beginnings as far back to ancient Greece, which might be argued to be the birthplace of a science of rhetoric: the art of controlling the pictures we put in our words. The political theory that emerged from this period provides interesting insights as to the power of simple metaphors like “postage stamp”. They stir an anxiety, a fear, verbalized in an Innu self-government debate as the fear of dispossession. Yet, as Victor Hugo (1881) wondered in *L’Âne*, what solution does our traditional knowledge provide “concerning what shocks and frightens us?”²⁰⁰ (77) The contemporary discipline of public policy and public administration has little to say. Perhaps the key to advancing “stalled” policy processes then, is to dust off our discipline’s foundational texts and rekindle with the science of rhetoric – ridden of its Machiavellian conception as the art of advancing the interests of princes, and instead seen as a device for *advancing* debates, such as Aristotle’s *Poetics* suggests and today’s Cognitive Science confirms. (Aristotle, 75)

¹⁹⁹ See Robert Bourassa’s statement in introduction to the “Project of the Century” section of chapter 4.

²⁰⁰ “Quelle solution donne votre savoir
Sur ce qui nous étonne ou ce qui nous effraie?”

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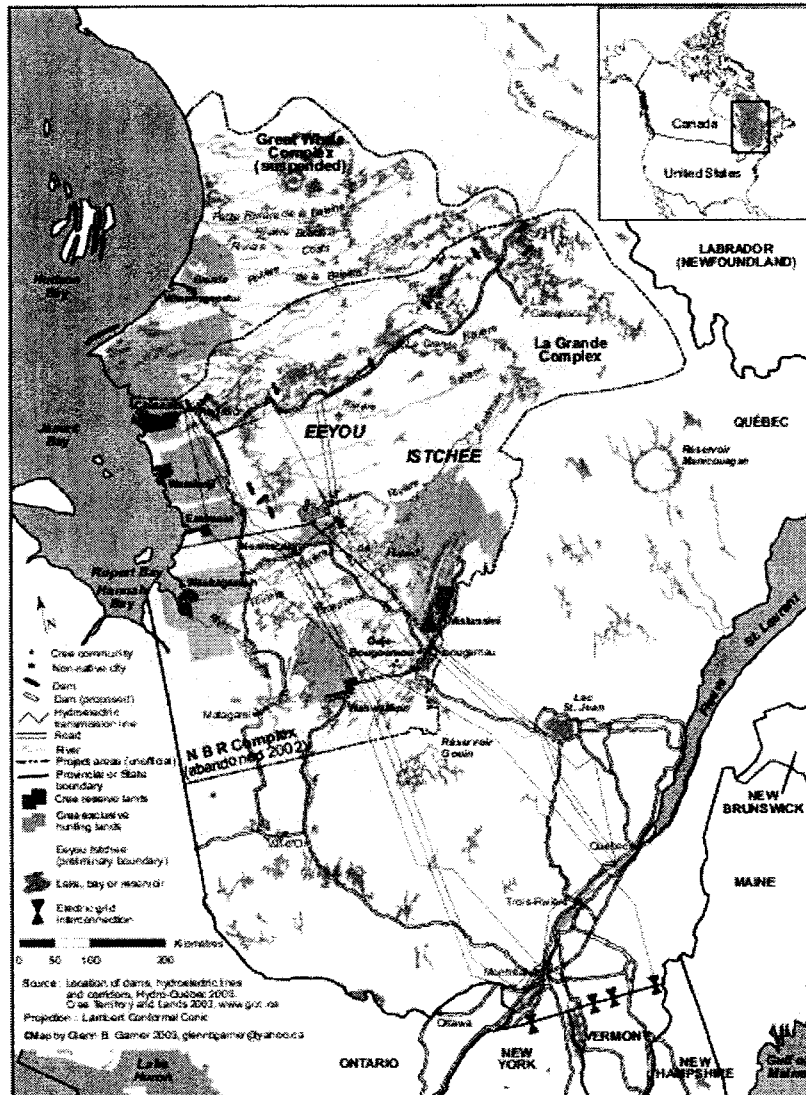
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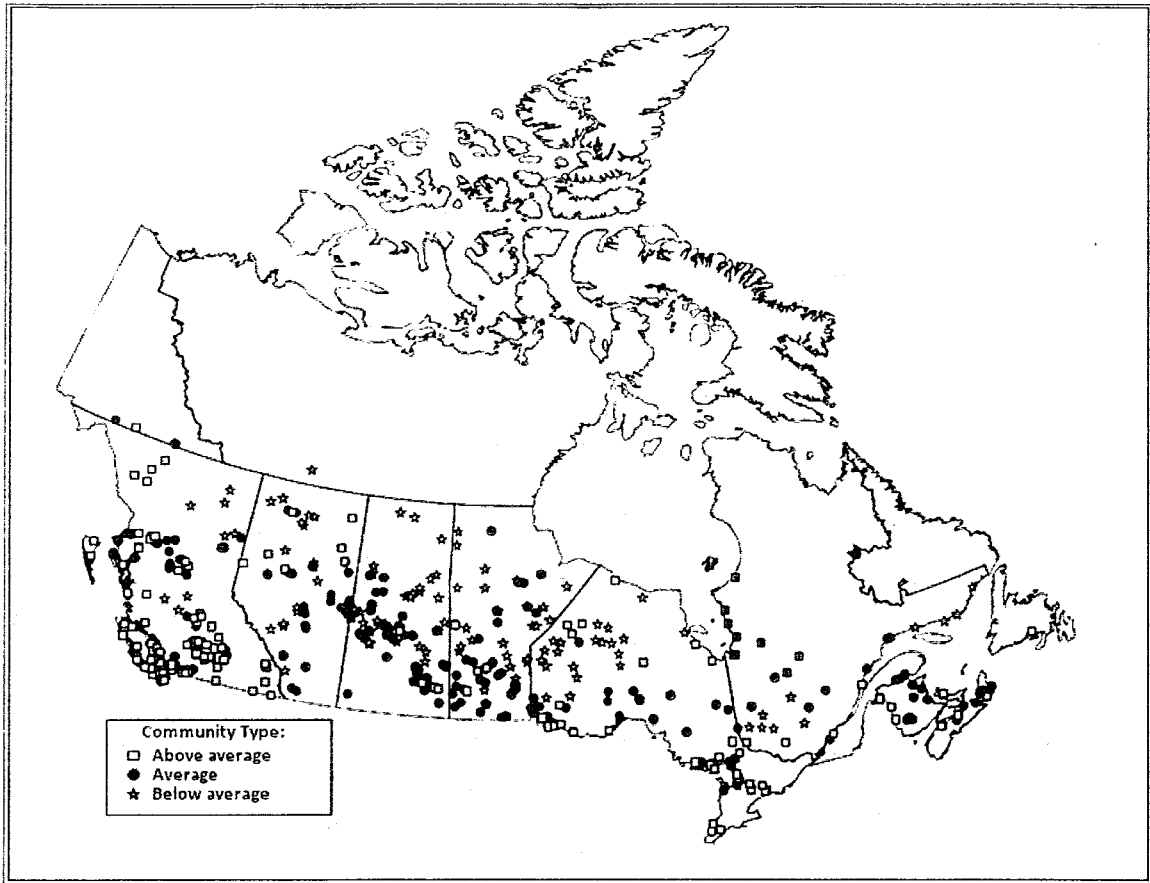
Appendix 1: James Bay Hydroelectric Projects and Cree Communities.



Chisasibi, Eastmain, Mistissini, Wemindji, Whapmagoostuim, Waskaganish, Oujé-Bougoumou and Waswanipi.

(Source: Blaser, Feit, McRae, 2004)

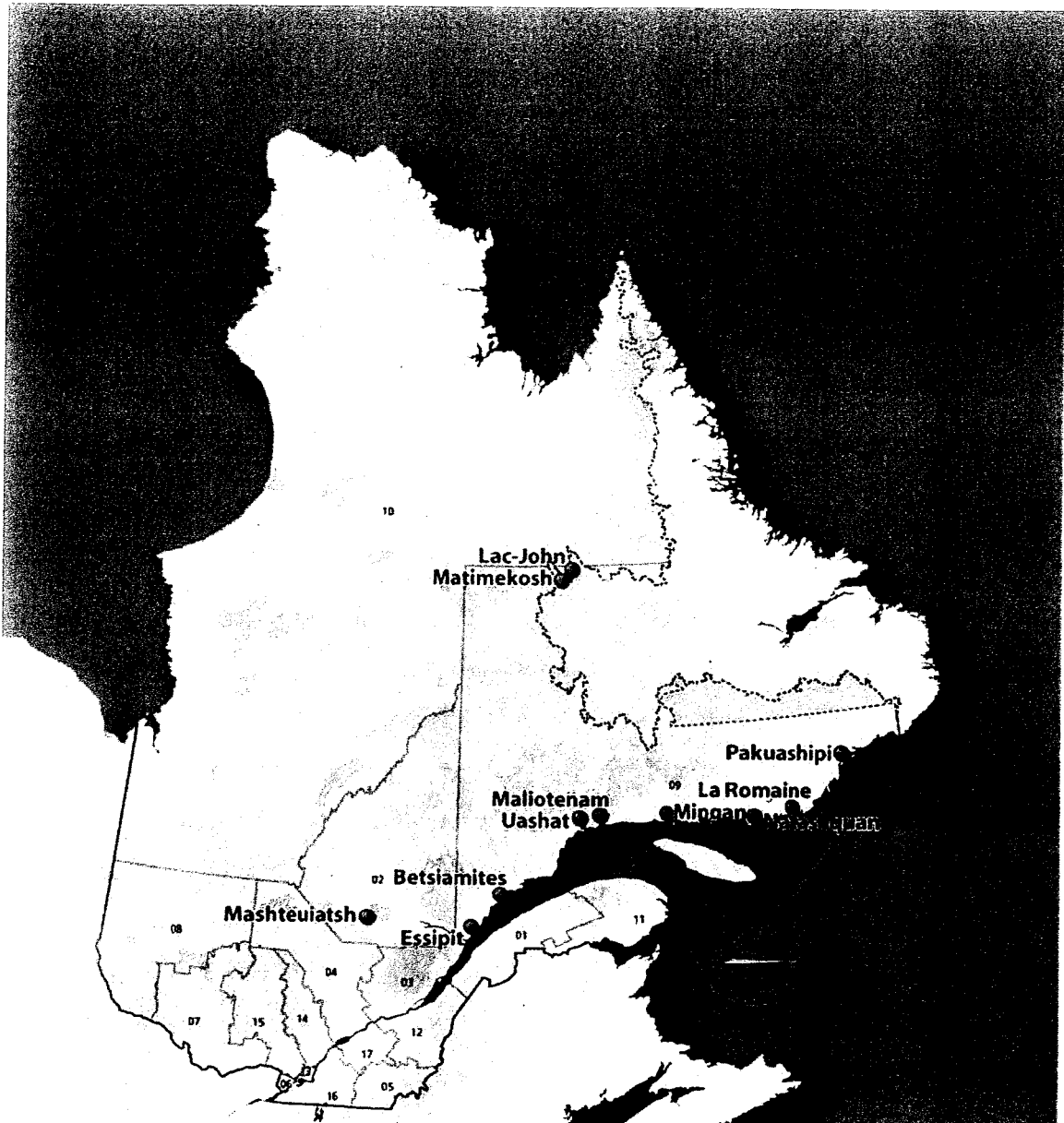
Appendix 2: Distribution of Selected First Nations Communities by Socio-Economic Well-Being According to 1996 Census Data.



Cree communities highlighted in red.

(Source : Armstrong, 1999)

Appendix 3: Map of Innu Communities.



The Innu and Naskapi communities of Matimekoshe and Kawawachikamach are located on JBNQA territory, as can be seen in Appendix 4.

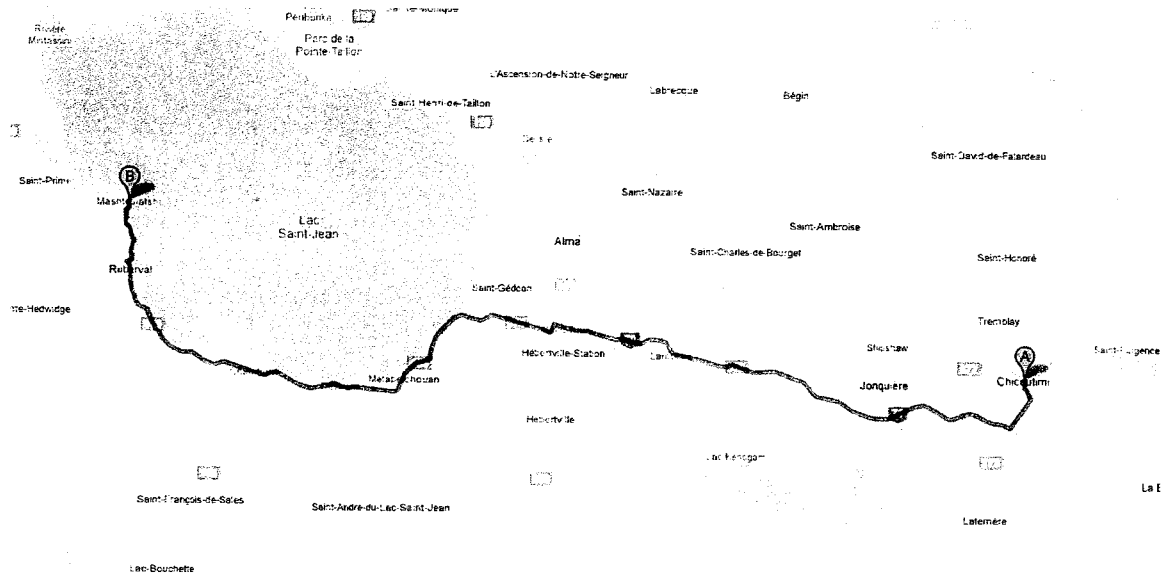
(Source : Secrétariat aux affaires autochtones)

Appendix 4 : Map of JBNQA Territory.



(Source : Ministère du Développement durable, de l'Environnement et des Parcs)

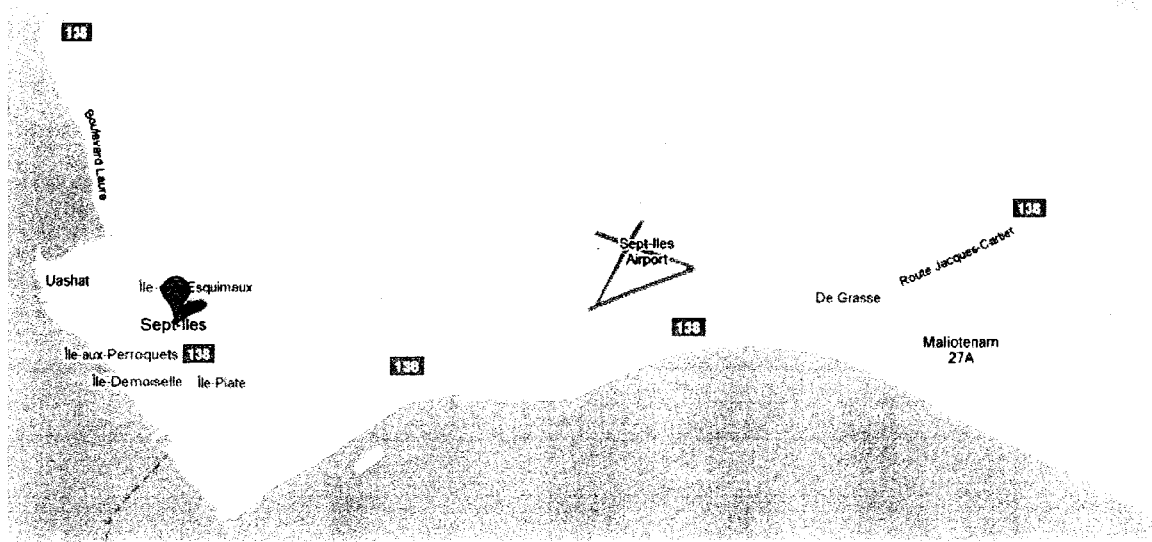
Appendix 5: Map of Saguenay/Lac-St-Jean Region.



Saguenay (then Chicoutimi) is located 112 kilometers from Mashteuiatsh.

(Source : Google Maps)

Appendix 6: Map of Sept-Îles Region.



Uashat is situated at the western limit of Sept-Îles. Maliotenam is 16 kilometres east. Neither of these communities signed the AIP.

(Source: Google Maps)

Appendix 7 : Unofficial Map of Nitassinan Territories.



The Nitassinan was said to cover a territory of 300 000km² to 400 000km², encompassing the whole of the Saguenay/Lac-St-Jean and Côte-Nord regions.

(Source : Mouvement estrien pour le français)