Caring for the Land: Nemaska Cree strategies of resistance to the EM-1-A and Rupert Diversion Project in eastern James Bay, northern Quebec.

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Abstract

Caring for the Land: Nemaska Cree strategies of resistance to the EM-1-A and Rupert Diversion Project in eastern James Bay, northern Quebec.

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The social and environmental impacts of large-scale industrial development have had direct and extensive impacts on the Cree communities of eastern James Bay, northern Quebec. The signing of the 'New Relationship Agreement' between the Quebec Crees and Quebec Government (2002) formalized measures for local participation in overseeing the management of natural resources and development projects in the region. This initiative purports to provide Crees with a voice in decisions relating to projects that affect their lives and the lands they occupy. In return, the New Agreement paved the way for the development of the EM-1-A & Rupert Diversion Project and ensured the support of the regional Cree leadership.

This study presents the perspectives of the local Cree community of Nemaska on the potential impacts of the EM-1-A & Rupert Diversion Project and examines various political strategies that they have drawn upon to defend their land against the proposed hydroelectric expansion. My findings show that despite formidable obstacles, Nemaska Crees have demonstrated a remarkable capacity to engage a range of political strategies in an effort to voice their opposition to the EM-1-A/Rupert diversion project. Although construction of the river diversion project is now underway, and 'the battle to save the Rupert River' has been lost, this thesis affirms the role and significance of individuals and organizations operating at the local level in articulating and framing the implications of the ecological crises imposed by large-scale industrial development on the 'local'.

Acknowledgements

I am forever grateful to the communities of Nemaska, Chisasibi and Waskaganish for their warm and generous contributions to this research. My extended stay in Nemaska teaching at the Luke Mettaweskum School and participating in community events allowed me to gain a reflective understanding of community issues and to develop close working relations with many local people. *Chiniskuumitin.*

My heartfelt gratitude goes to Freddy Jolly for taking care of me and for sharing his knowledge of the land and the special relationship he has with the Rupert River. Freddy's unrelenting admiration and respect for all living and non-living things has profoundly affected and informed my own appreciation of the experience of 'being on the land'.

My very special thanks go to Dr. Monica Mulrennan, my supervisor, for her guidance, resourcefulness and breadth of view. Her extensive knowledge of and insight into aboriginal affairs in Canada and abroad encouraged me to commence my studies on the James Bay Cree. Dr. Mulrennan also helped me obtain funding to conduct research in the North over two field sessions (2004-2005). This thesis is based upon fieldwork conducted under the financial support of the Northern Scientific Training Program. I would also like to thank faculty members in the Department of Geography, Planning and Environment, Concordia University, for their support and contributions to my academic career over the last two years.

Special acknowledgements go to Chief Robert Weistche and Thomas Hester of the Waskaganish Band and Chief Abraham Rupert and the late Edward Tapiatic of the Chisasibi Band for their kindness and generosity, and most especially for the insights

they provided to their culture and people. I also thank Iqbal Shailo for his guidance and encouragement during my most challenging academic years, and to Ouana Radu for beginning the journey to Nemaska with me.

Lastly, I wish to thank the most remarkable people I know: my parents.

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Chapter 1: Introduction

1.1 Setting the scene

The research conducted as part of this thesis contributes to our understanding of the socio-environmental impacts of Hydro-Quebec's proposed EM-1-A & Rupert diversion project in eastern James Bay, northern Quebec. Specifically, it presents Nemaska[1] Cree perspectives on the potential impacts of the project and examines various strategies that they have drawn upon to defend their land and resist the proposed hydroelectric expansion.

Over the last three decades, large-scale hydroelectric development associated with the James Bay Project has had direct and far-reaching impacts on the natural environment and Cree communities of James Bay (Berkes 1988; Donahue 1998; Feit 2004a; Hornig 1999; Niezen 1993, 1998; Rosenberg 1995, 1997; Scott 2001; Whiteman 2004). Until recently, social and environmental impact assessments and provisions for consultation with affected Cree communities were not required under Quebec and Canadian law (Peters 1999; Salisbury 1986). However, the recent signing of the 'New Relationship Agreement' between the Quebec Crees and Quebec Government (2002) provides for greater involvement of Crees in overseeing the management of natural resources and development projects in the region (Feit 2004a; Scott 2005). According to Scott (2005), the accommodations and provisions secured under the New Agreement emanate from the emergence of a strong regional political organization and greater access to various political resources at the national and transnational levels including international judicial and governing organizations (i.e., United Nations), environmental and human rights groups and the media (See for example Jensen and Papillon 2000; Niezen 1998, 2000;

Roué 2003). While the achievements of the regional Cree leadership are widely recognized in relation to the protection and promotion of Cree rights and interests, the contributions of individuals and organizations operating at the local community level tend to go unacknowledged. This research attempts to address this by focusing on the perspectives of Nemaska Crees and the resources and strategies they have used to voice their concerns about the proposed EM-1-A/Rupert River diversion project on Nemaska territory.

The Rupert River, which flows from east to west over a distance of 560 km between its source, Lake Mistassini, and its mouth on Rupert Bay, is located roughly thirty kilometers (30 km) south of the Nemaska community (See Map Figure 1). The proposed hydroelectric expansion, which includes the partial diversion of the Rupert River northward into the existing La Grande hydroelectric complex and the creation of two diversion bays, will affect 10 of the 15 traplines or hunting territories of the Nemaska Crees (See Map Figure 2).

1.2 Research Objectives

My initial research objective was to focus on local perspectives on the impacts of globalizing forces of economic development on aboriginal[2] territories in northern Canada; specifically, how the extraction of raw materials for corporate development impacts upon aboriginal control of their territories and natural resources. My intention was to conduct a case study analysis of the Nemaska Cree Nation in eastern James Bay, northern Quebec (51°N 75°60W), which would document and provide insights to local views and concerns about Hydro-Quebec's proposed EM-1-A/Rupert diversion project.

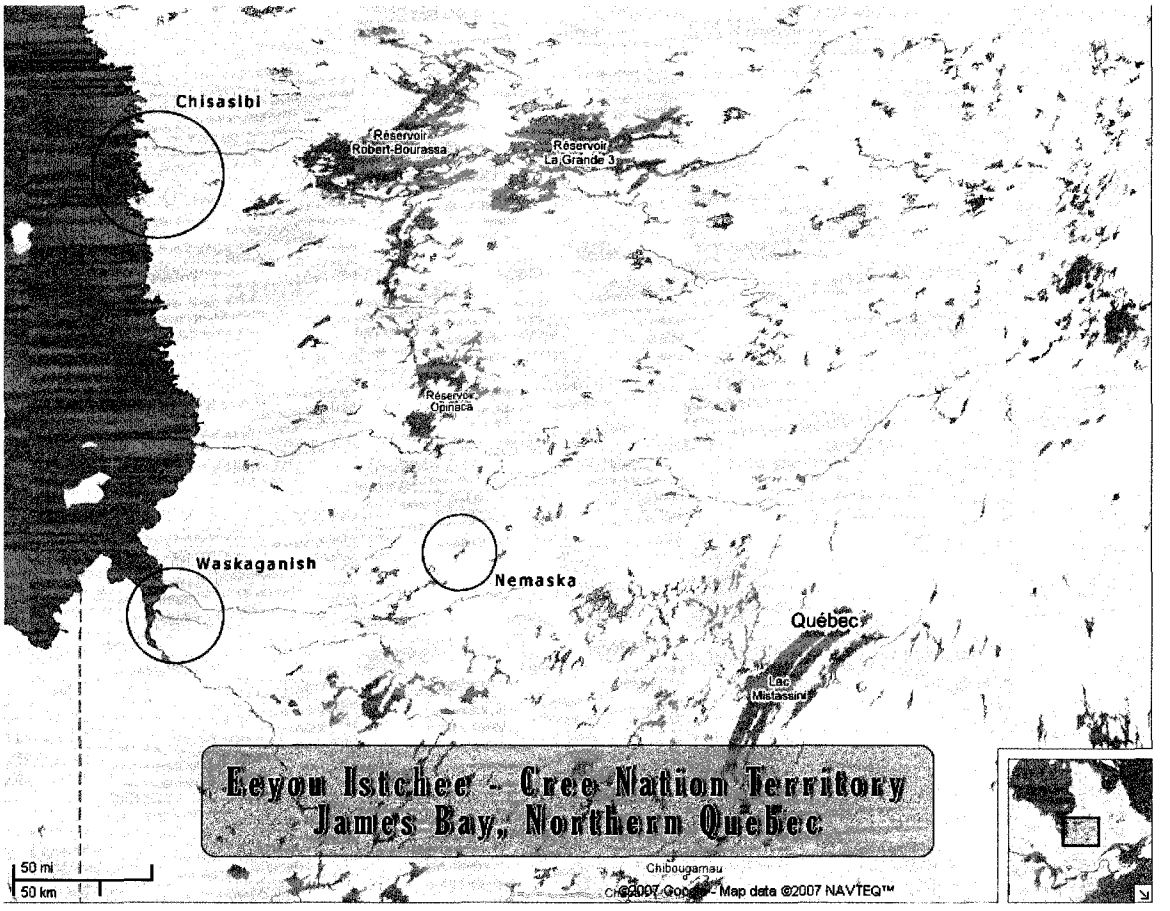


Figure 1. Map of research areas in James Bay: Nemaska, Waskaganish and Chisasibi communities (original image source: www.googlemaps.com)

During the course of this study the go ahead was given for the project. As I, along with the community, struggled to come to terms with the reality of having lost the battle to 'Save the Rupert River', I also struggled with the implications of this new context for my research study. What value could there be in documenting concerns that had failed to stop the project? What contribution or message could be salvaged from the efforts of the Nemaska Cree? But as the people of Nemaska came to terms with their new reality and refocused their efforts and energies, I recognised that this research was never just about a river or another mega project; it's a story about local resistance but also of local resilience, including the capacity to accommodate and to carry on.

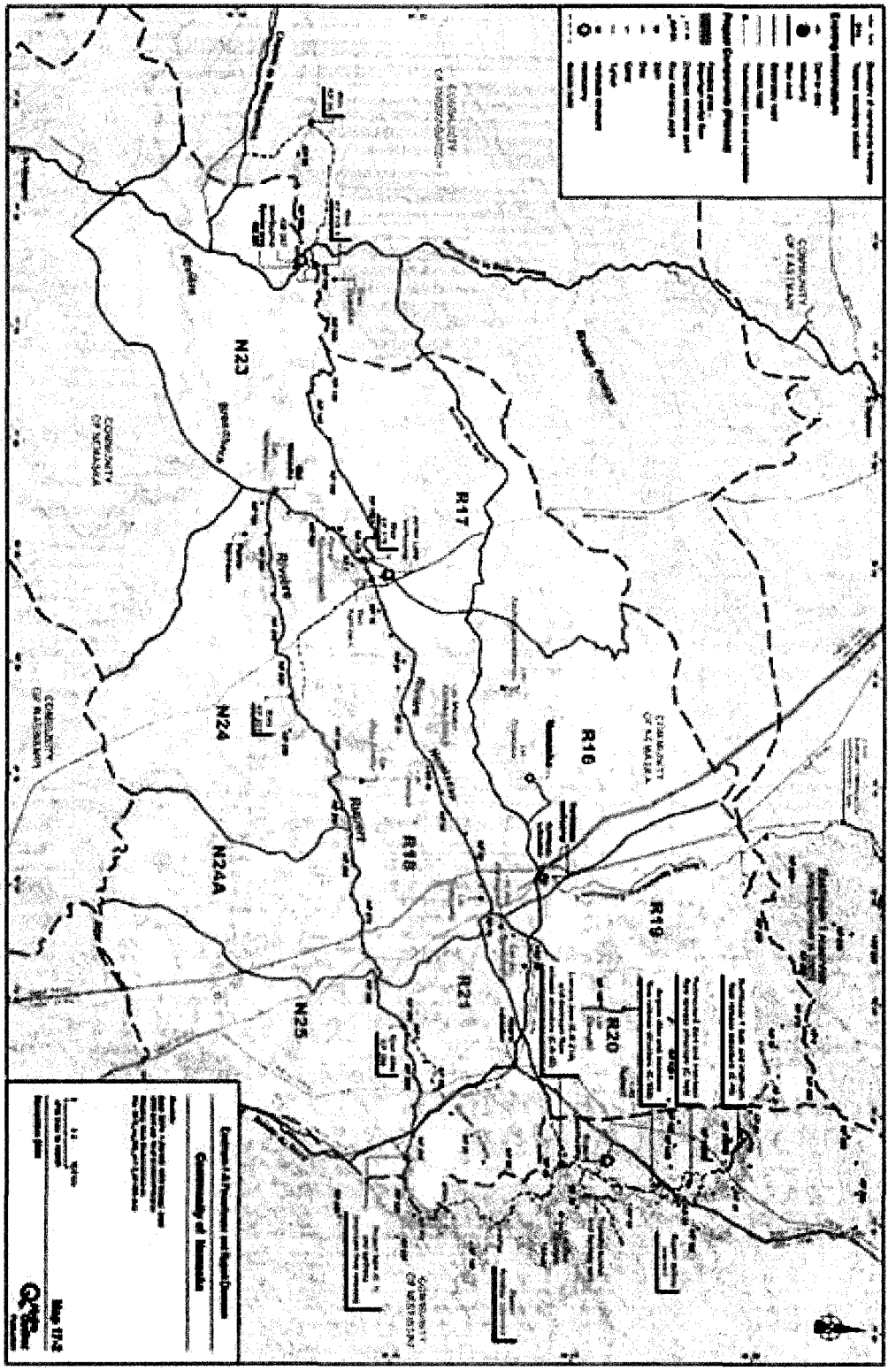


Figure 2: Nemaska community traplines affected by the EM-1-A/Rupert diversion project (Map source: www.hydroquebec.com).

Thus, I settled on the examination of local native strategies of resistance to large-scale industrial development as my primary research objective. I focus in particular on how aboriginal groups in northern Canada engage in political action against environmental and resource crises on their traditional lands and the mechanisms they use to generate and coordinate actions at the local grassroots level.

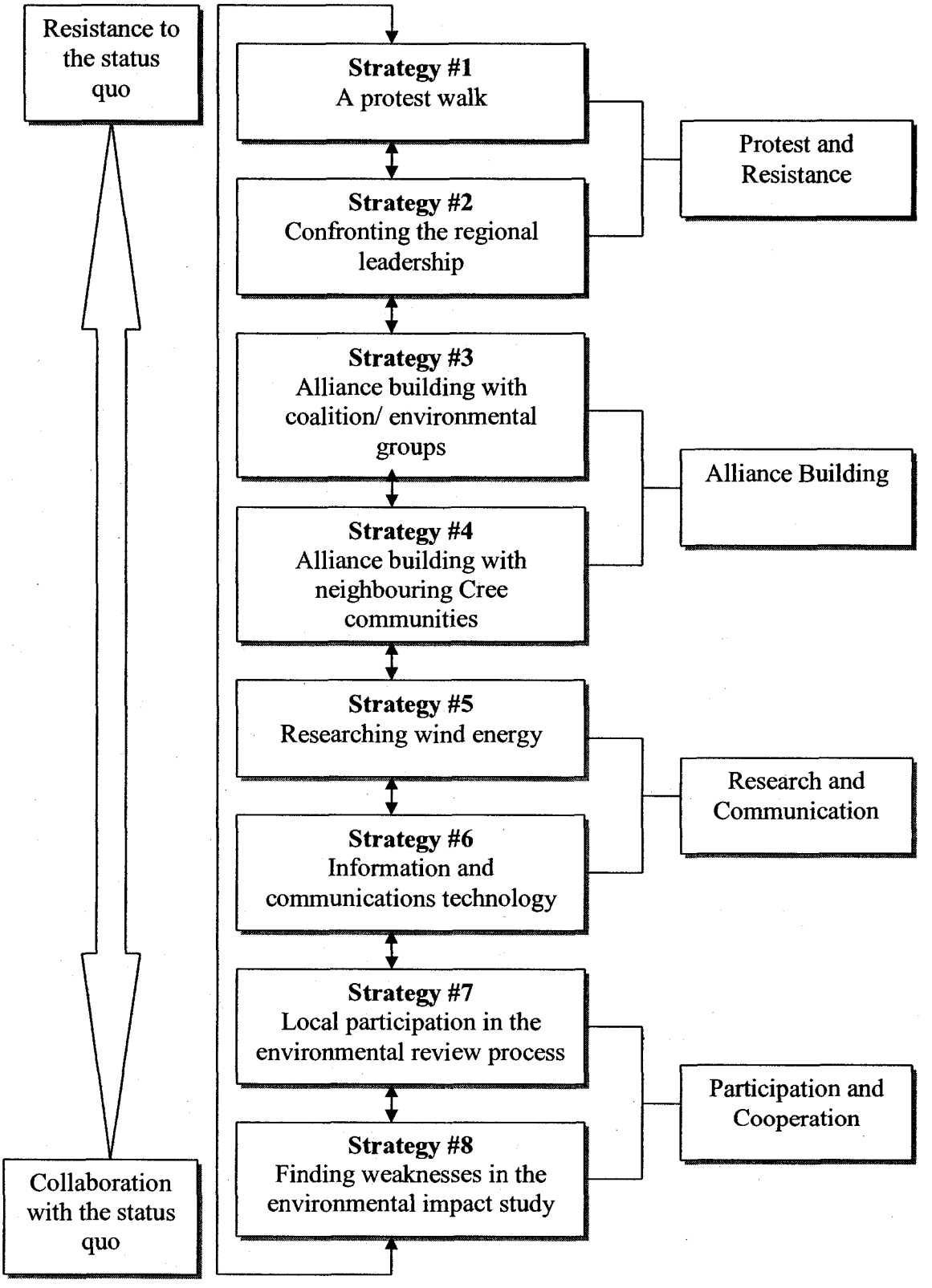
The case study that informs this thesis examines a host of resistance strategies used by the Nemaska Crees in relation to the EM-1-A/Rupert diversion project (See Figure 3). The first of these focused on a protest walk led by Cree tallyman Freddy Jolly aimed at generating regional support to save the Rupert River. A second strategy centred on efforts to confront the regional leadership at a general assembly held by the Grand Council of the Cree. A third strategy centred on efforts to undertake, build and strengthen alliances with activists and environmental groups located outside the Cree territory to coordinate actions and share resources and information about the Rupert River struggle. A fourth strategy focused on efforts to engage, build and strengthen alliances with the neighbouring Cree communities of Chisasibi and Waskaganish (See Map Figure 1)—the former community has borne the heaviest impacts of earlier stages of the James Bay hydro development but both of these communities will be affected by the proposed project to varying degrees[3]. Nemaska Crees' collaboration with both communities served the following purposes: i) it provided first-hand observations about the impacts of hydro projects; ii) it strengthened their voice to have the support of neighbouring communities, and; iii) it allowed them to scale up their protest actions from the local to a regional level. A fifth strategy centred on efforts to research wind energy as an alternative to the Rupert River diversion project. A sixth strategy focused on attempts to incorporate the use of

information and communications technology (Internet/Email, Web sites and media tactics) into the political struggle. A seventh strategy centred on local participation in the public consultation process for the environmental impact assessment of the proposed hydroelectric project. An eighth strategy focused on finding weaknesses in the project proponent's technical studies for the environmental impact study. These political tactics are used both in isolation and in combination with one another. This study will focus primarily on three (3) of these strategies: the protest walk, alliance building with Chisasibi and local participation in the environmental assessment process of the EM-1-A and Rupert project. My research addresses the capacity of the Nemaska community to create and avail of these opportunities to promote their opposition to the Rupert River issue.

The thesis is guided by two main questions:

1. What are local community perspectives on the impacts of industrial scale hydro development projects? This question is addressed in respect to the following themes: a) encroachment and restriction; b) harvest disruption; and c) water quality and methyl-mercury contamination.
2. What political discourses and strategies are available to aboriginal communities to assist them to articulate their concerns and effectively engage in political action related to large-scale industrial development on their traditional territories?

Figure 3: Flow chart showing linkages between various protest strategies



1.3 Research method

In total, I spent 37 weeks over a two-year period (2004-2005) in eastern James Bay, northern Quebec. This includes my extended stay in the community teaching various courses to high school students at the Luke Mettaweskum School during the 2004-2005 winter sessions. In addition to participatory observation, a total of nineteen (19) interviews were conducted with various members of the Nemaska, Waskaganish and Chisasibi communities (See Appendix A). The views and concerns of one key informant, Freddy Jolly, are documented in particular detail. Although the validity of this approach could be challenged in terms of informant bias (Krannich and Humphrey 1986), I believe it is also a major strength of my study for the following reasons: First, Freddy is a well-respected tallyman in Nemaska and throughout James Bay territory[4]. Second, a focus on one personality is more engaging; explicitly, my personal commitment with Freddy allowed me to gain a more reflective and in-depth understanding of the Rupert River issue. Finally, an action of resistance often comes down to one charismatic individual. Thus, as the tallyman whose trapline will be most severely affected by the reduced flow of the Rupert River, Freddy has been a charismatic leader in the effort to fight the project.

My research draws upon several years of professional and personal engagement with the Nemaska Cree community. During the course of my initial visits to Nemaska during the summers of 2002 and 2003, I served as a field assistant to Dr. David Greene (Concordia University) conducting research on post-fire forest regeneration. I arrived in the community several months after the signing of the 'New Relationship Agreement' (2002) and amidst the controversy over the EM-1-A/Rupert diversion project—the focal point of the agreement. I was particularly drawn to a Cree tallyman named Freddy Jolly.

On my first day in the community, Freddy introduced himself as the custodian of R-21 trapline, a traditional family hunting territory passed down to him by his late father roughly 20 years ago. Freddy takes pride in being born and raised in the bush next to the Rupert River and is always willing to invite people to his trapline to demonstrate the special relationship he has with the land. In the 1990s he fought against the planned construction of the Route du Nord (North Road) by filing an application to the Quebec Superior Court to launch a class action law suit against Quebec, Canada, Société Développement de la Baie James (SDBJ) and Cree Construction for compensation damages to his trapline. Freddy initiated the R-21 Trapline Defense Fund to help his family and other trappers and their families with the legal and travel costs (See Hornig 1999; The Nation 1994). Drawing parallels with the EM-1-A/Rupert project, Freddy believes that his cultural legitimacy as tallyman and his ability to control resource management on his trapline is increasingly undermined by regional Cree and Quebec decision-makers and that his responsibility to ensure the well-being of the land is not being respected. Thus, Freddy's extensive knowledge about the land and his commitment to battling economic development on his trapline prompted me to focus my research on the impacts of hydroelectric development on Nemaska territory.

I returned to Nemaska in winter 2004 and began my fieldwork the following summer. During my stay, I lived at the home of the then-Deputy Grand Chief of the Crees, Mr. Paul Gull. The fieldwork also consisted of several weeks spent in the bush on the Jolly family trapline in the summer. In addition to numerous interview sessions with Freddy at his bush camp, I participated in traditional subsistence activities such as fishing, setting nets and smoking fish, caribou and bear hunting, setting traps and

exploring bear dens and setting and verifying beaver traps. I also learned to prepare traditional foods after the hunt. In addition, I spent much time on the Rupert River traveling to traditional sites such as Old Nemaska and visited elders at their camps to bring them fresh meat or fish[5]. I was also fortunate to be involved in the sturgeon fish studies on the Rupert River as part of the feasibility studies for the impact assessment process of the project. The studies began in early June 2004 when the sturgeon fish spawn their eggs and ended in late July. I was involved in various activities including measuring, weighing and tagging the fish caught in the nets. I was also an observer in the on-going dialogue between Freddy Jolly, tallymen of adjacent traplines and the researchers hired by the project proponent. This included being present for some heated debate as to whether the tallymen were catching too many female sturgeon fish in their fishing nets, and whether the researchers were collecting too many sturgeon fish eggs in their devices. A female sturgeon takes at least eleven (11) years to mature and they spawn at considerable time intervals, hence the significance of their concerns.

During my extended stay in Nemaska, I was employed at the Luke Mettaweskum School teaching various courses to high school students during the 2004 and 2005 winter semesters. I helped organize and supervise a student field trip to the EM-1 hydro construction site to help the local youth gain a better perspective on the nature of hydroelectric development in the region. I also participated in many social and cultural events in the community. For instance, in March 2005 I joined a small group of local Crees on a one hundred kilometer (100 km) snowshoe walk along the Rupert River. I was also an active participant in the local resistance movement. For example, in August 2004, I joined Freddy Jolly on a protest walk to Wemindji, a coastal Cree community located at

the mouth of the Maquatua River along the east coast of James Bay where a general assembly involving the Grand Council of the Crees was to be held. I felt that my role in the Rupert River struggle was to offer whatever knowledge and skills I had to help, so I undertook to write related press releases and contact the media to set up interviews with Freddy during the course of the walk. Through this, I gained a highly textured account of local concerns related to the proposed project.

My field research for this study also included a visit to the communities of Chisasibi and Waskaganish in July and August, 2005 for the following two reasons: First, the lived experiences of the people of Chisasibi with the impacts of the La Grande Project serve as a basis to inform other Crees about the consequences of large-scale hydro development in James Bay. Secondly, given that both communities will be impacted by the EM-1-A/Rupert project, it was hoped that alliances already established with the community Chiefs would be extended to the broader communities. It is also noteworthy that both community Chiefs, Abraham Rupert (Chisasibi) and Robert Weistche (Waskaganish) opposed the EM-1-A/Rupert diversion project and had enlisted their support for Freddy's protest walk to save the Rupert River in 2004.

Arriving in these other communities during the summer season when local residents are away made the task of finding prospective interviewees difficult. For example, the three (3) tallymen from Waskaganish whose traplines will be affected by the diversion of the Rupert River were gone on canoe brigades with the local youth. Nonetheless, the local Band Councils were very helpful. A Band employee in each community, Thomas Hester (Waskaganish Band) and the late Edward Tapiatic (Chisasibi Band), was assigned to accompany me for the duration of my stay and to help me identify

participants and translate the interviews conducted in Cree language. A total of thirteen (13) formal interviews were conducted in both communities. On occasion, interviewees would inform me of other prospective informants. This method is called the *snow-balling* approach (Flowerdew and Martin, 2005).

My stay at Chisasibi greatly contributed to improving my knowledge about the impacts of hydroelectric development and related works in Cree territory. I undertook a series of interviews with local tallymen, elders and trappers to document their views and sentiments about the La Grande hydroelectric project and how it affected their lives and the community. The Chisasibi Crees hold strong and vivid memories of their experiences out on the land and their accounts were truly moving. During the interview sessions, many of the elders' family members, particularly children and grandchildren, gathered to hear them recollect events that took place many years ago on the (La Grande) river before the devastating impacts of the La Grande hydro project.

All data collected for this fieldwork is qualitative. The information was acquired by way of: a) participant observation and, b) semi-structured and unstructured interviews conducted in English and in Cree with the support of a translator. No financial compensation was paid to participants. Interviewees were selected according to willingness to share their knowledge and concerns about the impacts of hydroelectric development in the region. My interviews also targeted employees in educational and administrative positions, elders, tallymen and youth. In addition, regular contact through phone conversations was maintained with some members of the Cree communities after completion of my actual fieldwork in James Bay.

1.4 Research findings and implications

My research documents the capacity of Nemaska Crees to engage in political discourse and action to articulate and defend their position on the EM-1-A/Rupert diversion project. Strategies of resistance include: 1) creating and maintaining alliance networks with coalition and environmental groups; 2) utilizing information and communications technology; 3) researching alternative modes of energy production (i.e. wind, solar); 4) a protest walk; 5) confronting the regional leadership at an annual general assembly; 6) creating and maintaining alliance networks with neighbouring Cree communities; 7) calling on provisions under environmental impact assessment (EIA) procedures; and 8) challenging the proponent's technical studies. Thus, while the achievements of the regional Cree leadership are widely acknowledged in relation to the protection and promotion of Cree rights and interests, my research findings highlight the contributions of individuals and organizations operating at the local community level, which have gone unacknowledged in the larger political context of the proposed project.

Furthermore, although construction of the EM-1-A/Rupert diversion project is now under way, Nemaska Cree strategies of resistance can inform the efforts of local opposition in the future to ecological crises caused by large-scale industrial development in the region. The relevance of this experience may be significant, given the level of interest the region holds for large-scale industrial development, including further hydroelectric projects as well as a range of mining operations.

Research findings also indicate that Cree tallymen are the first in line to experience the adverse effects of environmental degradation on their traplines and traditional way of life. In turn, they carry the heavy burden of responsibility to protect the

land from the destructive impacts of external development. Thus, because tallymen are acutely aware of what is at stake, it is imperative that their views and concerns, as well as their traditional knowledge and expertise, be incorporated into environmental assessments of large projects and in decisions concerning resource extraction and management on their traplines.

1.5 Thesis Structure

Chapter 2 provides a review of the literature on globalization and the internationalization of indigenous rights as well as the legal and political changes that emerged at the state level. It also examines previous assessments of the socio-environmental impacts of large-scale hydroelectric development on northern aboriginal communities in Canada. Chapter 3 presents an overview of aboriginal-state relations in Canada. It examines how northern aboriginal groups experience and respond to development projects on their lands in the context of land claims agreements, Supreme Court of Canada decisions and participatory approaches to development. Chapter 4 introduces the James Bay Cree of eastern northern Quebec and provides some background context for understanding the region's historical, cultural and political landscape. It also introduces the EM-1-A/Rupert diversion project and outlines specific measures for Cree involvement in the early design stage of the project. The next three chapters focus on the case study of the Nemaska Cree. Chapter 5 highlights Nemaska Cree concerns about the potential impacts of the EM-1-A & Rupert Diversion Project with respect to the following themes: a) encroachment and restriction, b) harvest disruption, and c) water quality and methyl-mercury contamination. Chapter 6 documents

a protest walk led by tallyman Freddy Jolly to save the Rupert River. Chapter 7 describes Nemaska Cree alliance building efforts with the Chisasibi community. Chapter 8 examines local participation in the public hearings for the environmental impact study of the proposed project. Finally, Chapter 9 presents a summary and concluding statement about the research findings.

Chapter 2: Literature review

The purpose of this literature review is to provide an overview of a selection of an extensive literature dealing with various aspects of globalization, impacts of large-scale industrial resource development, indigenous rights jurisprudence and state policy, and participatory approaches to management and development.

The chapter is divided into five sections. The first section reviews some recent literature on globalization, particularly in relation to the internationalization of indigenous rights. Two specific products of globalization are examined; that of western capitalist and industrial forces and the constraints they impose on indigenous peoples' capacity to participate in the global political economy while also undermining their rights to livelihood, territory and autonomy. At the same time, globalization creates opportunities, particularly those associated with communications technology, for indigenous peoples to avail of international legal instruments and political space to voice their grievances against oppressive state policies. The second section presents a review of the scholarly literature on the socio-environmental impacts of large-scale hydroelectric development projects on aboriginal communities in northern Quebec and Canada. An examination of changes in state policies and jurisprudence within an indigenous rights framework is presented in the third section. The fourth section examines key literature on participatory environmental management and development. It presents co-management partnership arrangements and examples of the inclusion of traditional knowledge perspectives as increasingly popular mechanisms for implementing participatory approaches and for dealing with resource and environmental conflicts. The final section

presents a brief commentary on connections between the literature examined and the research conducted as part of this thesis.

2.1 Globalization and the internationalization of indigenous rights

Globalizing forces of economic development, specifically those involving the extraction of raw materials for capitalist development, have had direct and far-reaching impacts on indigenous peoples' lands and livelihoods (Clark 2002; Coates 2004; Gedicks 2004; Ishiyama 2003; Kunitz 2000; Stewart-Harawira 2005). Coates (2004) asserts that the periods shaped by wartime and the post-war era represented the most dramatic and destructive transformations of indigenous populations around the world. He asserts that,

> "The imperatives of the industrial world, which needed energy, minerals, wood and pulp, regardless of political ideology or government structure, drove nations to move aggressively into remote regions. In very few instances...did the national governments take the concerns and needs of indigenous peoples very seriously" (2004:216).

At a UN Permanent Forum on Indigenous Issues, it was stated that indigenous peoples around the world are continuously discriminated against and excluded from participating in the global economy, while the pace of intrusive large-scale resource development on their territories has accelerated (Stewart-Harawira 2005). The Indigenous Environmental Network (IEN) contends that the livelihoods of approximately 350 million indigenous peoples worldwide suffer at the expense of power and profit under the dominant forces of neo-colonialism, capitalism and privatization.

In northern Canada, for instance, where aboriginal peoples control approximately 20% of the landmass, a significant number of resource extraction and development

projects have taken place on land that is occupied and owned by native communities (Fortin 2001). Usher (2003:365) contends that over the last 30 years, "The settlement and development of northern Canada was experienced by Aboriginal people as a continuing process of encroachment on (and sometimes transformation of) their traditional territories and of restriction of their customary livelihood". Many indigenous groups in the developing world have also seen their lands and livelihoods obliterated by external forces of economic globalization (See for example Coates 2004).

Various authors have underscored the fact that indigenous peoples' struggles to maintain their autonomy, defend their cultures and protect their ancestral lands are rooted in centuries of colonialism and conquest of land (Clark 2002; Coates 2004; Gedicks 2004; Ishiyama; Stewart-Harawira 2005). Coates (2004) reminds us, however, that indigenous groups have not been completely powerless against western capitalist and industrialist forces: "If anything, indigenous peoples have found new and innovating ways to remain distinctive despite the power of global economies, western ideologies and colonial militaries..." (19). According to Stewart-Harawira (2005:115), the historical denial of indigenous peoples' political and cultural rights and their exclusion as participants in the "political world order of nation states" was the driving force for the emergence of a strong indigenous international network.

2.1.1: Strategies of indigenous mobilization

According to Stahler-Sholk (2001:493), globalization creates new and fertile ground upon which indigenous groups can challenge authoritative power: "Globalization can paradoxically open new political space for contestation as it ruptures existing patterns

of relations between state and civil society". Grassroots native resistance movements make use of international legal and political space to redress grievances against oppressive state policies regarding their rights to land and identity (Kunitz 2000; Niezen 2000; Stewart-Harawira 2005). Niezen (2000:122), referring to the indigenous peoples' movement as 'indigenism', states, "It represents a new use of international bodies of states to overcome the domestic abuses of states themselves, while pursuing development and recognition of international standards concerning the rights of indigenous peoples". Coates (2004:231) draws parallels between the transformation of the global 'ethno-cultural' political landscape of the 1950s, in particular with the establishment of the United Nations Declaration on Human Rights, and the rise of the global indigenous rights movement: "A broader reconsideration of the nature of human rights of ethnic minorities brought about, indirectly, significant shifts in the political power of indigenous groups". The ability of local grassroots activists to enter the political processes of states and the global world order is what Stahler-Sholk (2001:494) calls 'globalization from below'.

Grassroots native resistance groups make use of information communications and technology to forge alliances with other indigenous minorities and non-state actors, share perspectives and resources and increase their visibility in the international arena (Coates 2004; Kunitz 2000; Niezen 2000). As Coates (2004:259) states, "The more archaic world of email and the Internet allows groups to spread news of dangers and crises around the globe within minutes, thus mobilizing public protests in ways unimaginable a few years ago". For example, the use of electronic media by indigenous activists during the Zapatista rebellion in Chiapas, Mexico was effective in creating a connection between the

'local and the global', and thus making state abuses visible to the world (Gills 2000; Stahler-Sholk 2001:501).

Recent literature points to the growing significance of indigenous peoples' involvement in the development of international law and human rights procedures regarding indigenous rights (Coates 2004; Jhappan 1992; Niezen 2000; Stewart-Harawira 2005). The indigenous rights movement has been involved with international organizations like the United Nations (UN), the International Labour Organization (ILO) and the European Community (EC) (Havemann 1999; Jhappan 1992; Niezen 2000; Pean-Meth 2002; Richardson 2001). For example, Havemann (1999:240) describes the UN Working Group on Indigenous Peoples as, "An important platform for the dissemination of information and exchange of views among indigenous peoples, governments and non-governmental organizations and others". With respect to international environmental law and policy, Richardson (2001) asserts, "The challenge for indigenous peoples has been to modify existing international treaties and instruments dealing with the environment, or to devise new, more appropriate instruments that better secure the environmental objectives of their communities". The ILO Convention No. 169, the Convention on Biological Diversity and Agenda 21 recognize indigenous cultural and economic rights to traditional environmental resources, assist in the promotion of indigenous peoples' participation in international environmental policy making, and underscore the protection and promotion of traditional cultural practices that are consistent with sustainable management and development objectives (ibid).

Several Canadian authors provide case examples to illustrate how aboriginal groups call on international law and human rights standards to appeal against rights

violations by the federal state (See for example Jenson and Papillon 2000). Jhappan (1992:69) states, "It is a signal to the Canadian government that other states and important international actors accept Aboriginal peoples as legitimate players". An underlying rationale behind these allegations is to publicly humiliate Canada on the international front (Havemann 1999; Jhappan 1992; Niezen 2000). The James Bay Cree in northern Quebec are among the many politically active indigenous groups involved in human rights standard setting. For example, the Grand Council of the Crees participated in a non-governmental organization (NGO) conference on Indigenous Peoples and a UN Working Group on Indigenous Populations to garner political support for their grievances against Canada's failure to implement various provisions under the 1975 James Bay Agreement (Niezen 2000). The Grand Council also went to the International Water Tribunal in Amsterdam to discuss water resource management and to Australia for a debate on public participation in environmental issues (Jenson and Papillon 2000). In the 1990s, the Crees successfully mobilized an international campaign against the planned construction of a massive hydroelectric project on the Great Whale River. Jhappan (1992:85) underscores how New York State's cancellation of a multi-billion dollar (CAD) power purchasing agreement with the Government of Quebec and Hydro-Quebec demonstrates the power of direct lobbying: "The case suggests that international politicking will be more effective when external actors can be enrolled as direct stakeholders in specific Aboriginal disputes with Canadian governments". The effectiveness of international legal and political instruments is not easily measured however; for some scholars the measure may be on idealistic (or symbolic) rather than practical terms (Coates 2004; Havemann 1999; Jhappan 1992). As Jhappan states,

"Aboriginal peoples' efforts are rewarded with international covenants and declarations which are exhortatory in nature rather than legally enforceable" (1992:87). Canada and Russia's vote against the UN Declaration on the Rights of Indigenous Peoples stands as an example (See Schlein 2006).

The capacity of the James Bay Crees to connect to 'transnational advocacy networks'; by forging international alliances to exert political pressure on oppressive states and corporations, is an example of what Keck and Sikkink (1998:12) call the 'boomerang effect'. However, Stahler-Sholk (2001) argues that a limitation to the 'transnational advocacy networks' approach is that it does not address how 'structural opportunity' and 'subjective agency of social actors' influence the capacity of indigenous groups to go transnational. Stahler-Sholk argues,

> "A more nuanced approach to civil society organizing in response to globalization would locate both state and oppositional networks in their historical contexts, and also consider the 'mesolevel' networking that allows local communities (e.g. Zapatistas) to connect with each other across state-structured divides" (2001:501).

Articles by Clark (2002), Gedicks (2004) and Ishiyama (2003) take a closer look at the dynamics involved at the state-level where indigenous social movements tend to operate in the United States. They draw particular attention to the forces of colonialism and state capitalism that influence indigenous political struggles. For example, Clark (2002) examines the long history of land invasion and oppressive state policies in the United States and highlights various political opportunities that shaped the development of the indigenous environmental movement (IEM), for example United States Supreme Court decisions that supported native demands over treaty rights.

Clark (2002), Gedicks (2004) and Ishiyama (2003) also underscore efforts taken by local grassroots activists to engage in community action and alliance building (both locally and state-wide). For example, Gedicks' (2004) case study analysis on oil and mining conflicts in Wisconsin demonstrates how the Chippewa (Lake Superior Band) devised a 'multidimensional defence strategy' to fight corporate development on their lands. This strategy included, among other things, the establishment of a mining committee to represent Chippewa concerns before the public and state regulatory organizations; hiring of independent researchers to conduct environmental and social impact assessments of the mining developments; coalition building with neighbouring native and non-native communities as well as environmentalist and sports fishing groups; and use of information and communications technology into the political struggle (Gedicks 2004:454).

Clark's (2002) case study analyses on the Chippewa, Mohawk and Shoshone environmental conflicts highlight how the IEM engages in litigation over land treaty, environmental and civil rights violations as well as in various forms of non-violent direct action (i.e. rallies, public demonstrations and protests) to exert political pressure on state and industrial corporations. Coalitions with other indigenous grassroots activists, academics, scientists, government officials, environmental and human rights groups, religious groups and international judicial and governing organizations have also been formed. Indeed, efforts to connect indigenous struggles with local, national and transnational organizations have increased the political opportunities and resources available to indigenous social movements.

Ishiyama's case study analysis on a land-use conflict in Skull Valley, Utah is particularly insightful because it highlights internal conflict within the Indian community itself over environmental and economic goals and priorities. For example, the author illustrates how Goshute Indian opponents (i.e. traditionalists) set out to forge alliances with other indigenous activists and environmental justice groups to confront their tribal leaders' policies to host a nuclear waste facility on the reservation. As such, Ishiyama's article provides an opportunity to examine and analyze ideological disputes over land and resource management occurring at the local community level.

Some indigenous groups have used more aggressive forms of direct action in their political struggles. The Oka Crisis in 1990 involved a violent standoff between the Mohawk community of Kanehsatake, Quebec Provincial Police and Canadian Armed Forces (Ciaccia 2000). Plans to enlarge a golf course on land that the Mohawks claim is theirs prompted the native community to react by establishing an armed blockade in the town of Oka. Native groups across Canada and the United States joined forces with the Mohawks at Kanehsatake by initiating public protests of their own, such as the Mercier Bridge blockade outside the Mohawk community at Kahnawake, Quebec (Ciaccia 2000). The occupation of Ipperwash Provincial Park by the Stoney Point First Nation in Ontario (1995) stands as another example of an aggressive form of protest (Edwards 2001). A dispute over a land claim and destruction of a sacred burial ground led to a violent confrontation between a group of protesters from the Stoney Point band and Ontario Provincial Police and the violent death of one native man (ibid).

Hodgins, Lischke and McNab's (2003) book on the Temagami blockades (1988-89) explores Anishinabe peoples' use of peaceful blockades and resistance against

exogenous pressures for resource extraction and development on their traditional lands. The authors discuss the use of 'non-violent strategic action' and 'surprising the enemy' as political tactics that are effective in both discouraging a powerful opponent and generating public scrutiny over the routine violence of the status quo (2003:162). According to them, the use of violent political action "generally generates surprise but little support, and indeed, may strengthen its enemies" (ibid).

There is a good deal of literature on international and domestic mobilization of indigenous movements and the political resources and opportunities available to them to engage in political action against oppressive state policies and environmental and resource crises on their traditional lands. However, further investigation is needed into the tensions over resource management and extraction projects that occur between the local and regional levels of governance and within the indigenous communities themselves.

2.2: Impacts of large-scale hydroelectric development in northern Quebec and Canada

Many authors have written about the impacts of large-scale hydroelectric development on northern aboriginal communities in Canada (See for example Hoffman, 2002; Hornig, 1999; Loney 1995; Niezen, 1993, 1998; Rosenberg et al, 1995, 1997; Windsor and Mcvey, 2005). Loney (1995:235) suggests that the construction of massive hydro projects create the most damaging types of impacts to aboriginal communities and that the long-term effects strike at the strength and viability of the traditional fishing, hunting and trapping lifestyle. The construction of dams, impoundment of reservoirs, flooding of productive hunting territories and resettlement and displacement of local

people from their lands and heritage destroys their 'sense of place', which is vital to providing a sense of security and identity (Loney 1995; Niezen 1998; Windsor and Mcvey, 2005). Niezen (1998:94) states, "Such development means not only a loss of home and the identity that comes from a sense of place; they can obliterate generations of practical culture and knowledge".

Ronald Niezen (1993, 1998) has studied the effects of large-scale hydroelectric development on eastern James Bay Cree communities in northern Quebec, Canada in considerable depth. The social service records of the Cree village of Chisasibi in the years following the La Grande Hydroelectric Project depict a high incidence of family crises, drug and alcohol abuse and suicide, especially among the youth. The records illustrate the outcome of a rapid transition away from hunting and trapping as a way of life to a more centralized, structured community (Niezen, 1993; 1998). Niezen (1998:91) summarizes impact as follows: "A generation emerged that seems to have lost a close connection with the forest lifestyle and is deeply affected by the lack of self-esteem and identity that this can bring about".

Salisbury (1986) presents a more favourable assessment of social change within James Bay Cree society as a whole. For example, the author suggests that housing, education and access to the wage economy improved in the years following the La Grande hydro project and the signing of the James Bay and Northern Quebec Agreement (1975).

Some scholars have written of the difficulty in distinguishing hydro related impacts with other 'human' factors. For example, Hornig (1999) suggests that the construction of a dam or reservoir may be associated with, but not the only cause of,

adverse changes to a community and a way of life. He states, "Over the last two decades, changes in culture, livelihood, community infrastructure and political organization have proceeded in parallel fashion in Cree communities within the path and without the path of hydro development" (1999:116). In a similar way, Niezen (1993) argues that the link between social pathology and hydro development is difficult to corroborate. However, the author points to various methodological approaches that can be applied to investigate the relationship between both variables, such as employing statistical comparisons and social service data in the relevant research. In this respect Niezen's (1993, 1998) work makes a valuable contribution to the identification of causal (rather than correlational) relations between hydroelectric development and aboriginal community health and social problems.

Furthermore, as Rosenberg et al. (1995) have identified, the social and environmental impacts of hydroelectric development often occur sequentially, thus long-term monitoring is required in order to obtain better knowledge about the cumulative impacts of such projects (Wood, 2003). According to Tollefson and Wipond (1998:371), "Cumulative effects are the additive and interactive impacts that may result from human activities that are repeated over time and space". For instance, Hornig (1999) describes how the cumulative impacts from the James Bay Project in the 1970s act as a 'rippling effect' that can only be revealed over time. A committee mandated to review the socio-environmental impacts of Hydro-Quebec's latest planned project in northern Quebec stated, "The cumulative impact is real, but difficult to quantify, making it impossible to specify the relative significance of the incremental cumulative impact and the causes of change attributable to the project" (COMEX 2006). According to its members, short- and

long-term monitoring will be particularly useful to confirm the predictions made by the project proponent.

Aboriginal peoples' past experiences with the impacts of hydro development can provide important information about likely cumulative effects. For example, Loney (1995) introduces the concept of community trauma (spiritual, physical, and mental illness) among Cree communities in northern Manitoba as a cumulative effect. Windsor & Mcvey (2005) use the concepts of place and sense of place to illustrate how crises of cultural identity and belonging among the Cheslatta Nation in British Columbia continue to be felt today. Ettenger's chapter (in Donahue and Johnston 1998:66) on reflections by the Eastmain Crees on the diversion of the Eastmain River as part of the La Grande Project describes emotional and psychological stress as being "one of the most significant, if less evident, long-term impacts of water development projects". Adelson's 'Being Alive Well' concept illustrates how Cree food, land and hunting traditions are an 'integral part of being alive well' and how Cree peoples' concept of health is shaped by their concerns over the short- and long-term welfare of their land and culture (2000:110). Hoffman's (2002) study on hydroelectric development in Manitoba demonstrates how the irreversibility of the physical and social impacts of dam construction on the Cree communities located near the Nelson River watershed "undermines the viability of returning to a land-based way of life" (25). With regards to Cree hunters and hunting leaders in James Bay, northern Quebec, Niezen (1998) and Whiteman (2004) demonstrate how a gradual loss of authority to carry out traditional management practices has impacted their capacity to transmit traditional ecological knowledge to younger generations of Cree.

The above research contributes to our understanding of the nature and extent of the impacts of hydroelectric development. With respect to the experience of the Cree with the La Grande hydroelectric project in northern Quebec, Niezen (1993:512) asserts:

> "The significance of the Chisasibi case is not only that it provides a retrospective understanding of the social consequences of large-scale development, it also provides us with the possibility of understanding the potential consequences of future construction".

Further scholarly research is needed, however, into the scope and magnitude of impacts on aboriginal hunters and hunting leaders, as they are important grassroots managers of the land and are the first in line to experience the adverse impacts of large scale economic development on their traditional hunting territories and customary way of life (Whiteman 2004).

2.3: Indigenous rights and title rights: changes in state policy and jurisprudence

In Canada, a shift in the dominant paradigm began in the early 1970s when aboriginal rights and title rights received greater legal and political recognition in the highest court in Calder v. British Columbia, 1973 (Allen 2004; Anderson 2004; Havemann 1999; Murphy 2001). One year after Calder, the Government of Canada established the comprehensive land claims policy for negotiating land claims and self-government agreements with aboriginal groups (Anderson 2004; Havemann 1999; Murphy 2001). Hawkes (2001) highlights how aboriginal peoples use the comprehensive land claims process to seek autonomy through self-determination and self-government. For example, the Inuit of the eastern arctic, who form a majority of the regional

population, chose to employ their rights to self-determination through a public form of government known as the Nunavut territorial government (ibid). The signing of the Nisga'a Final Agreement (1998) between the governments of Canada and British Columbia and the Nisga'a Nation provided for the establishment of Nisga'a central government and local village governments on Nisga'a traditional lands. These are based on a division of power model (Allen 2004; Hawkes 2001:157; Rynard 2000).

Major changes in indigenous rights jurisprudence and state practice were also conceived and put into practice in Australia. In the Mabo (1992) and Wik (1996) cases, the Australian High Court rejected the doctrine of *terra nullius* and recognized and granted protection to native title rights at common law (Havemann 1999). In response to the implications presented by Mabo, the Australian Government established the Native Title Act (1993) and the National Native Title Tribunal to deal with issues of native title and compensation for extinguishments (Havemann 1999; Strelein 2005). In New Zealand, the Treaty of Waitangi (1840) and the Waitangi Tribunal (1975) were established to settle treaty grievances and to uphold Maori rights to lands and resources (Havemann 1999; Lane and Hibbard 2005).

Havemann (1999:432) describes two aboriginal rights frameworks that dominate the political agenda in Canada. First, aboriginal rights as 'way of life' rights address government responsibilities in terms of protecting and promoting the cultural and economic rights of aboriginal groups affected by large-scale industrial development. Second is the concept of aboriginal rights as 'political rights' in terms of rights to self-government and self-determination. The author argues that despite several attempts made since Calder to reinterpret and redefine the meaning and content of aboriginal rights (i.e.

Sparrow, Sioui and Delgamuukw judgements in the 1990s), the Supreme Court continues to be ambiguous in its resolve on the issue of aboriginal 'political rights', and the federal state continues to perpetuate assimilationist policies and practices in its dealings with aboriginal peoples. Havemann's assumptions about the continued political and legal dominion over aboriginal peoples are echoed in Murphy (2001) and Strelein (2005). For example, in the Australian context, Strelein (2005:269) contends, "The inconsistent treatment of the theory of Indigenous rights has meant that Indigenous sovereignty is excluded from the scope of rights that can be claimed before the courts". The author adds, "While the tenor of recent judgments appears respectful of Indigenous peoples, the law they set down still contains vestiges of the assumptions of superiority (269). Thus, the state and courts in common law countries like Canada and Australia continue to presume the inferiority of Aboriginal sovereignty and law.

Some scholars and independent researchers have suggested that the only way to achieve legal and political reforms that would bring an end to the subordination of aboriginal peoples is to address aboriginal rights within the historical context of colonialism (See Havemann 1999; Switlo 2002). The Royal Commission on Aboriginal Peoples (RCAP) clearly supports the idea that the Government of Canada should acknowledge and redress its legacy of colonialism and assimilationism. "Among its recommendations is a call for Parliament to remove the 'doctrine of discovery' (the settlement thesis) as a means of interpretation in Canadian law" (Havemann 1999:446). This proposition would suggest that aboriginal peoples never surrendered their 'political rights' at the time of Eurpoean settlement and treaty settlements. In this context, land claims negotiations and Supreme Court judgements such as Calder would present

important challenges to the legitimacy of the state as it presents the possibility that aboriginal peoples would hold 'ultimate sovereingty and jurisdiction' (Havemann 1999:441).

2.4: Conclusion

There seems to be a growing trend of literature on indigenous strategies of resistance to exogenous pressures for resource extraction and development. Further examination is needed, however, of the tensions that may arise between the local and regional levels of governance and within the indigenous communities themselves. The present study highlights ideological disagreements between members of a small aboriginal community and the local and regional leadership over plans to carry out a major hydroelectric project.

Further scholarly research is also needed into the impact of economic development on the local indigenous land users, particularly hunters and senior hunting leaders, as they are first in line to experience the adverse effects of environmental degradation on their lands and traditional way of life (Whiteman 2004).

Chapter 3: Restructuring aboriginal-state relations: land claims, court settlements and the participatory approach to economic development in northern Canada

The Government of Canada through its policies and actions has a long history of undermining the rights of aboriginal peoples. The legacy of colonization by British North America and Canada over the past 250 years has appeared through a progression of fur-trade relations, treaty-making and settlement and development in northern aboriginal territories, all of which have marginalized aboriginal groups and annihilated their cultural way of life, albeit at varying levels (Havemann 1999; Miller 2004). Havemann (1999) contends that government-run reserves and policies such as the Indian Act "sought to transform them culturally, spiritually, socially and economically" (156). More recently, aboriginal peoples' ongoing efforts to protect their rights to land and autonomy have taken place across an array of venues, including the international arena, courtrooms as well as on the reservations themselves (Clark 2002; Havemann 1999). These events have led to a progressive change in the way northern aboriginal groups experience and respond to industrial development on their traditional lands.

Furthermore, the settlement of land claims and the increasing recognition given to aboriginal peoples' rights and interests with respect to land and resources corresponds to an emerging trend toward greater public participation and consultation in the management of natural resources and in the environmental assessments of large projects (Berkes et al., 2001; Fortin 2001). The Mackenzie Pipeline Inquiry in the 1970's, for instance, is a landmark event in Canadian history; it marks the country's first federal environmental assessment in which aboriginal people could effectively express their views and concerns about development projects that affect their land and life (Anderson

et al, 2004; Berger, 1977). Despite this progress, however, the review presented in this chapter of relations between aboriginal peoples and the Canadian state indicates that one of the most contentious issues pertaining to large-scale industrial development on traditional native territories relates to management of and access to natural resources (Castro and Nielsen 2001), and that Canada continues to be oppressive in its dealings with aboriginal people (Rynard 2004; Switlo 2002).

3.1 Aboriginal peoples and the courts: the road towards recognition

In 1973, the Supreme Court of Canada played a significant and decisive role in recognizing land rights based on aboriginal title. As a result of the Calder decision, the Nisga'a people of British Columbia gained renewed recognition for title to their ancestral lands (Allen 2004; Murphy 2001; Rynard 2000). In particular, the Supreme Court acknowledged the existence of Nisga'a title prior to European contact and that their rights are entrenched in the historical use of their traditional lands (Murphy 2001). Although the Calder decision neither gave clarity to the validity of the land question nor did it disagree with the legality of the state (Murphy 2001), it resonated throughout the country and made its mark on government policy dealing with aboriginal rights (Anderson 2004). The groundwork for Canadian jurisprudence on aboriginal law was later expanded on in R. v. Sparrow, 1990, in which 'existing rights' were recognized and protected under section 35 of the Constitution Act, 1982 (Asch 1991).

In 1971, the James Bay Cree in northern Quebec went to court opposing construction of the first phase of (La Grande) of the James Bay hydroelectric development project that would flood their lands and threaten their traditional hunting,

fishing and trapping way of life (Hornig 1999; Jenson and Papillon 2000; Niezen 2000.). Subsequent plans for future hydro development involved the Great Whale River and the Nottaway-Broadback-Rupert complexes as well. No provisions for consultation and negotiation with the Cree people or for conducting social and environmental impact assessments with respect to the development of the La Grande Project were in place at that time (Feit 2004a; Hornig 1999; Peters 1999). Realizing the potential impacts of the project on their livelihood and immediate devastation to the environment, the Cree (and Inuit) sought an injunction in 1972 from the Superior Court of Quebec. Following a lengthy period of testimony by Cree hunters about their ongoing use and occupation of the lands and resources on their traditional territories, Superior Court Judge Albert Malouf declared in favour of the Cree and recommended that federal and provincial governments negotiate a settlement with the Crees before resuming construction work on the project. The Malouf decision was overturned on appeal one year later, however Quebec and the Crees did not delay to negotiate an out-of-court settlement (Hornig 1999; Niezen 1998; Salisbury 1986). In 1975 the James Bay and Northern Quebec Agreement was negotiated and signed by the Crees, the Inuit, and the Quebec and Canada governments. It marked the first modern comprehensive land claim settlement in Canada. Under the agreement the Crees obtained different levels of access rights to resources and wildlife harvesting under a three-tiered land regime, a substantial cash compensation, and self-sufficiency at the community level. In return, Quebec gained access to pursue hydroelectric development in the region.

3.2 The Comprehensive Land Claims Policy

The landmark Supreme Court decision in Calder prompted the federal government to rethink its position on aboriginal land rights. In 1974 a land claims process was established to deal with claims that had not been honoured (specific) and those that had not been dealt with (comprehensive claims). To date, fourteen comprehensive land claims have been signed between Canada and aboriginal groups (Hipwell et al, 2002). In British Columbia, for instance, where over 95% of the land is subject to land claims (Fortin, 2001), there are currently 58 First Nations participating in the BC treaty process (BC Treaty Commission website, 2007). The overall purpose of the comprehensive land claims agreements is to settle all grievances and establish negotiated settlements between government and aboriginal groups as well as to clarify rights regarding land and resources agreements (INAC, 2007a). Accordingly, a package of provisions can be negotiated as part of the land claims process include:

> "[F]inancial compensation, a negotiated land base, provisions for self-government (for example the Nunavut [1993] and Nisga'a [1998] claims), protection for traditional resource use, the establishment of regional co-management bodies to manage resources and plan development, and the identification of sections of land in which the land claims beneficiaries have ownership over subsurface rights" (Hipwell et al. 2001:5).

Anderson et al. (2004:634) suggest that the inclusion of aboriginal people in Canadian society as a result of the land claims process offers native people relief from 'abysmal' socio-economic circumstances defined by social welfare dependence and unemployment. The Royal Commission on Aboriginal Peoples (RCAP) estimated that by the year 2016

economic development promoted by federal investments in land claims agreements will generate a return of $375 million to the Canadian economy (Anderson et al, 2004).

Much of the controversy surrounding the comprehensive land claims policy relates to the extinguishment of Aboriginal title rights to land in exchange for a pre-defined set of rights specified in the agreement. For instance, Archibald and Crnkovich (1999:4) assert that the policy "closely patterns the surrender provisions of post-Confederation treaties". In Lippert's view, "The extinguishment of title, to the extent that it dispossesses indigenous people of their right to lands and resources and entails a loss of control over their own development, also denies them exercise of self-determination" (2000:308). Switlo's article on Canada's continuing attempts to conquer Aboriginal peoples (2002:112) makes the statement that "Canada continues in the political belief that in order to 'move forward', conquering the Aboriginal peoples remains necessary".

Furthermore, some authors argue that the extinguishment policy is the reason why the modern day agreements are far from reaching goals of aboriginal self-determination. Rynard's (2004) critical review of the Nisga'a Final Agreement (NFA) indicates how imperative it is to recognize that the Canadian state continues to be heavy handed in its negotiations with and treatment of Aboriginal people. The author questions the overall integrity of government motives by highlighting some substantial losses borne by the Nisga'a people upon signing the NFA; specifically, the Nisga'a do not gain title to submerged lands, they have no authority to stop development projects that affect their lands, and gain no real decision-making authority in processes of environmental research and management or in environmental reviews of large projects.

The James Bay Cree were also affected by the 'surrender and extinguishment' regulations under the 1975 James Bay Agreement (Niezen, 1998; Rynard 2000). The Cree people were required to negotiate at a time when socio-environmental impact assessments and local involvement in resource management were not required under Quebec and Canadian law. Furthermore, since the rights of Aboriginal peoples in Canada were not constitutionally recognized until 1982, the Crees were left with very little bargaining power (Rynard 2000). In 1992, the name *Eeyou Istchee* was adopted by the Cree to represent their vision of a nation united to affirm their collective rights to the James Bay territory (Jenson and Papillon, 2000). That same year, the Grand Council of the Cree submitted a report to the United Nations Commission on Human Rights regarding the forced relinquishment of their fundamental rights. Niezen (1998) describes the demeaning actions of the Canadian government as a violation of the fundamental right to life, liberty and security as enshrined in the Canadian Charter of Rights and Freedoms, the Universal Declaration of Human Rights and the United Nations Declaration on the Rights of indigenous People (1998).

Archibald and Crnkovich (1999) argue that until aboriginal people are offered viable alternatives to the surrender of title to their traditional lands and until they can gain more executive power in decision-making regarding resource management and resource development projects, the negotiation process will continue to be limited and one-sided in favour of the Canadian state.

3.2.1 Co-management and EIA under land claims agreements

Comprehensive land claims agreements have formalized measures for co-management and environmental impact assessment (EIA) by way of creating boards and committees responsible for overseeing the management of natural resources and development projects (Berkes et al., 2001; Peters 1999; Scott 2005). Co-management involves the sharing of power and responsibility, or joint decision-making, between the government and aboriginal groups by creating opportunities for meaningful and equitable partnership in management, planning and decision making, if effectively implemented (Scott, 2001; Usher 2003). It is important to note, however, that although the term co-management connotes an arrangement that is highly inclusive in principle, the divergent interests within the system often create limitations to power sharing and to the full involvement of the resource users (Castro and Nielson 2001; Rynard 2000; Mulrennan and Scott 2005; Scott 2005).

In the Northwest Territories the Gwich'in (1992) and Sahtu Dene and Metis (1993) Comprehensive Land Claim Agreements established the Mackenzie Valley Resource Management Act (MVRMA), as an integrative and collaborative framework for resource management and EIA that integrates resource planning, management and assessment frameworks for the Mackenzie Valley (Armitage 2005). A total of six co-management boards responsible for various provisions including land use planning, EIA review and land and water regulation are defined in both Gwich'in and Sahtu Agreements (Armitage 2005). In a similar fashion, the Nunavut Final Agreement (NFA) specifies a greater role for the Inuit people in the management of land and sea resources. A feature of the agreement is the implementation of various advisory boards and commissions that

provide the foundation for the sharing of responsibility for fisheries and wildlife management between the federal, provincial and Inuit appointees (Berkes et al, 2001; Scott 2005). Furthermore, most land claims give priority to the recognition and use of local traditional knowledge (TEK), as exemplified by the Inuit traditional knowledge study of the bowhead whale in the Nunavut Final Agreement (Berkes et al., 2001).

The signing of the Nisga'a Final Agreement (NFA) in 1996 between the Nisga'a Nation, Canada and British Columbia permits the Nisga'a government to create laws (in accordance with the agreement) regarding aquatic and wildlife resource management (Rynard 2000, 2004; Scott 2005). For instance, the Wildlife Committee and the Joint Fisheries Management Committee are specific provisions designed to give the Nisga'a a primary role in resource management and environmental impact assessment of large projects within the Nass Wildlife Area. Notwithstanding these developments, these committees are consultative and do not guarantee the Nisga'a meaningful input to decision-making processes with respect to wildlife, fisheries and EIA—a circumstance termed "subordinate participation" by Rynard (2004:230). According to him, the application and use of co-management provisions under aboriginal land claims, and especially in the case of the NFA, is a breach of the true sense of equitable partnerships.

The experience of the Innu of Labrador, Quebec, a First Nation group that has yet to reach a comprehensive claims agreement with federal and provincial governments, is instructive in demonstrating the difficulties aboriginal peoples face in affirming their rights to participate in decision-making of resource management and development projects that take place on their traditional territories. Following the discovery of the Voisey's Bay nickel deposit in 1995, thousands of claims were staked in the absence of

any provisions for fair and equitable consultation with the Innu people. A framework agreement was signed between the governments and Innu parties in 1996 (Gibson 2006), however the government persistently ignored Innu requests to halt development of the mining project until the land claims were duly negotiated and signed (Samson 1999). In 2000, the Innu filed a major lawsuit asking for the cancellation of the Voisey's Bay Project and the implementation of legal measures outlining provisions for consultation and participation with respect to the mining project. Hipwell et al. (2001:39) state that the absence of acceptable standards in Canadian legislation "highlights the legislative void at both the provincial and federal levels". While considerable progress has been made in recent years to put into motion lawful requirements to resolve aboriginal-state relations in Canada, the Innu case demonstrates that there is much work to be undertaken concerning land claims and environmental policies within the federal state.

3.3 The Quebec Cree: land and environmental regimes under the JBNQA and the New Relationship Agreement

The James Bay and Northern Quebec Agreement (1975), signed by Canada, Quebec and the Cree and Inuit peoples of northern Quebec, sets out specific provisions that purportedly protect the basic rights of the Cree people by way of securing the continuity of their traditional way of life and ensuring their full involvement in economic development within the territory. It also set up government-related institutions and structures in various areas including health, education and employment as well as a fishing, hunting and trapping regime (Feit 2004a; Salisbury 1986). Although these institutions constitute a significant leap forward in the direction of Cree governance, it is important to note that they all fall under the jurisdiction of the provincial government,

which imposes a barrier to greater Cree self-sufficiency in various spheres of community and economic development.

Under the land regime, the James Bay territory is divided into three categories. On Category 1 lands the Crees have control over a small portion (1.3%) of the land in and around their communities. On Category 2 lands the Crees have exclusive rights to hunting, trapping and fishing, although management is shared with the province. The rest of the territory (84.3%) falls into Category 3 lands, which are publicly administered by Quebec and the James Bay Municipality in accordance with established regimes on environmental protection and development, and where the Cree can practice wildlife and harvesting activities of certain species of fish and animals (Hornig 1999; Salisbury 1986). Thus, the land regime under the JBNQA grants the Crees negligible control over management and development on territories outside of Category 1 lands and, instead, awards Quebec with exclusive rights to mineral, forestry and hydroelectric development on Category 2 and 3 lands (Peters 1999; Niezen 1998).

Provisions for co-management bodies in environmental management and environmental assessments of development projects are defined in several sections of the James Bay Agreement (Peters 1999; Rynard 2000). For instance, the Hunting, Trapping, and Fishing Coordinating Committee (HTFCC) is a joint body established to make recommendations to the ministries about issues of wildlife management in the territory (Castro and Nielsen 2001; Peters 1999; Salisbury 1986). However, since the Committee was only advisory in nature, the Crees had no jurisdiction over wildlife management and, consequently, efforts aimed at meaningful participation in decision making under the HTFCC had limited success (Castro and Nielsen 2001; Peters 1999; Rynard 2000; Scott

2001). The James Bay Advising Committee on the Environment (JBACE), established to evaluate environmental and social impact procedures, was also similarly undermined by provincial and federal representatives (Castro and Nielsen 2001; Peters 1999 Rynard 2000). Meanwhile, the clear cutting of forests, increased road infrastructure and encroachment by outside hunters, as well as plans for further hydro development in the region took place in the absence of reference to these advisory bodies (Castro and Nielsen 2001; Niezen 1998; Rynard 2000). In light of this, a new agreement designed to reconcile the long-standing conflicts and unfulfilled provisions of the JBNQA was necessary and long overdue.

The Agreement Respecting a New Relationship Between the Cree Nation and the Government of Quebec (2002) signed between the Government of Canada, the Government of Quebec and the Grand Council of the Crees was created to establish a new 'nation-to-nation' relationship 'based on respect and mutual harmony' between the Cree and Quebec nations. The 'New Relationship Agreement' offers the Crees a cash component of $3.5 billion (CAD) over a 50-year period as part of Quebec's obligations to contribute to community and economic development as stipulated in the JBNQA. Furthermore, it promises the Cree more autonomy over the administration of their communities and calls for more meaningful participation in the joint management and assessments of resource management and development projects by way of regulating a new forestry regime, the joint management of parks and protected areas with Quebec, and shared revenues from hydro, mining and forestry (Feit 2004a, Gnarowski 2002; Scott, 2005). In return, among other things, the Cree leadership gave consent to the development of the Rupert and Eastmain Rivers by Hydro-Quebec. As explained in

further detail in Chapter 4, the proposed EM-1-A/Rupert hydroelectric project replaces the original Nottaway-Broadback-Rupert Project initially set out as the third phase of the La Grande Complex, a project that would have flooded twenty times the area that the diversion of the Rupert River would flood (Feit 2004a; Gnarowski 2002).

The New Agreement is regarded as a step forward in the direction of harmonizing legislation for more meaningful and equitable relations among governments, developers and resource users in terms of resource management and environmental assessment of development projects. For example, Quebec along with the forestry companies must now take Cree customary knowledge and authority into consideration in forestry planning (Feit 2004a; Gnarowki 2002; Scott 2005). Furthermore, the recognition given to family hunting territories as management units grants Cree tallymen more decision making authority over the protection of specific habitat areas (Scott 2005). Under these terms, the new forestry regulations can become better adapted to the forestry-based management practices of the Crees while concurrently incorporating sustainable development initiatives in forest management and planning processes (Feit 2004a; Scott 2005). One must keep in mind, however, that the Crees are still faced with major challenges relating to self-government and decision-making efforts and it therefore may be premature to evaluate the full implications of the agreement at this early stage (Scott 2005). Similarly, Feit (2004a:125) argues that the new forestry regime can foster good working relationships among all parties involved, so long as the developers and federal and provincial governments are willing to give the Crees a stronger voice in future decisions about development:

> "If the government is willing to implement the forestry provisions and show companies that compromises to avoid conflicts can create a better investment climate, then the forestry experience may serve as an example for companies to agree to develop projects in which Cree have a say".

Based on this review, it is clear that there is a long road ahead in the realization of goals for effective and equitable recognition and involvement of aboriginal peoples in decision-making processes that concern their lands and life. Yet, there is reason for cautious optimism. The Supreme Court of Canada played a pivotal role in acknowledging the existence of aboriginal rights and set the stage for the restructuring of state policies and practices in its dealings with aboriginal peoples. Furthermore, significant progress in comprehensive land claims negotiations is evident from the growing emergence of the participatory approach to management, especially with regard to the development and implementation of co-management and environmental impact assessment initiatives. Achieving meaningful and equitable power relations between aboriginal groups and federal and provincial governments will be critical to the success of future endeavours in the management and development of resources on aboriginal traditional territories.

Chapter 4: The Cree of eastern James Bay: a background

The colonial history of the James Bay region extends back to the arrival of European explorers and traders in the 17th century and forward to the aggressive pursuit of large-scale industrial development that have marked recent decades. The James Bay watershed is today the focus of several major hydroelectric projects, including one of the world's largest dams. But this region, also known as *Eeyou Istchee*, sometimes spelled *Iiyiyuuschii* (The People's Land), has been home to the James Bay Cree for over 3,500 years[6]. This chapter describes the region's historical, cultural and political landscape and provides an overview of the impacts of previous hydroelectric development on Cree lands and communities. It also introduces the EM-1-A & Rupert diversion project, Hydro-Quebec's latest planned hydroelectric project, and outlines specific measures for Cree involvement in the early design stage of the project.

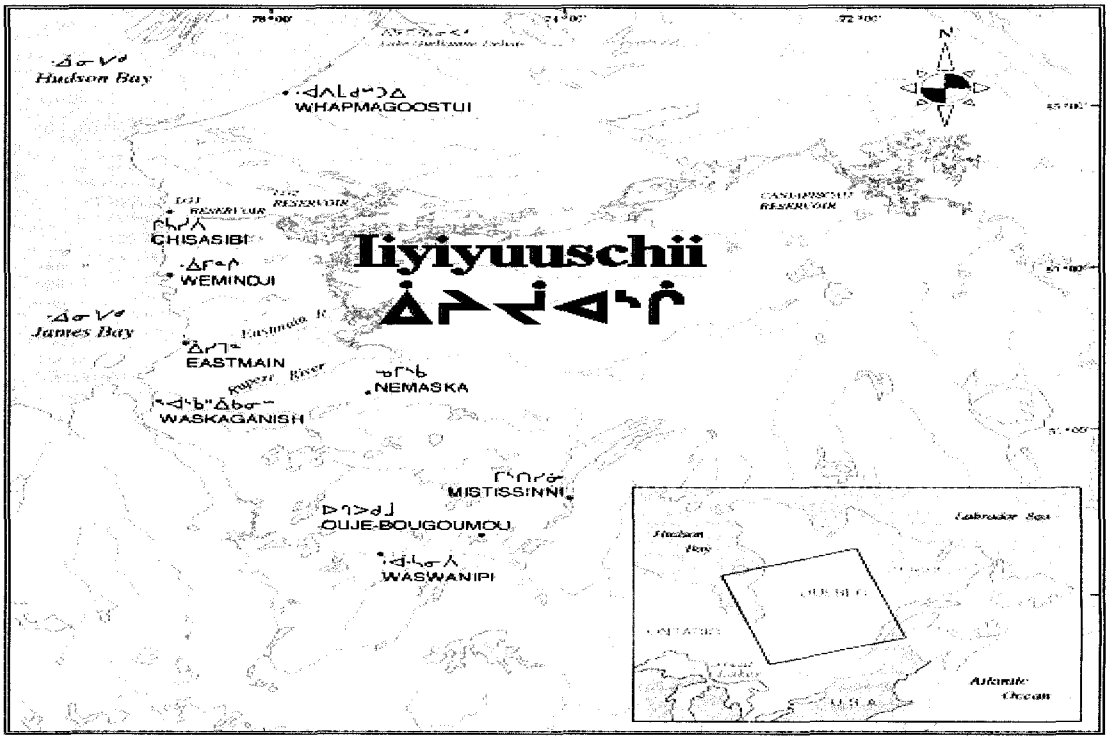


Figure 4: Map of the James Bay communities (original image source: www.creeculture.ca)

4.1 The land and the people: historical, cultural and ecological landscape

The James Bay region is located in northern Quebec and incorporates 344 854 square kilometers of land (See Map Figure 4). It falls within Canada's sub arctic region of the Canadian Shield. Harsh cold winters and relatively short summers characterize the regional climate. There are six major rivers: Great Whale, La Grande, Eastmain, Rupert, Nottaway and Broadback, and numerous other rivers and lakes that drain into the eastern coast of James Bay. The regional fauna consists of big game and small fur-bearing animals such as the woodland caribou, moose, black bear, beaver, marten, otter, rabbit and porcupine, all of which are hunted and trapped by the Crees. Furthermore, there are various species of migratory birds and waterfowl, such as the Canada goose, as well as a variety of fish species, which also constitute an important part of Cree traditional harvesting.

Historically, the Cree lived as nomadic hunters, trappers and fishers that traveled in small and dispersed family groups throughout the James Bay region. When the London-based Hudson Bay Company (HBC) established its trading posts and initiated the fur trade with the Cree in the late 17th century, trapping for exchange purposes (mainly beaver and marten) became established on a permanent basis, gradually altering their way of life (Feit 2004b; Morantz 2002). The influence of Christianity and the Christian church in the 19th century played an additional role in the refashioning of Cree spiritual beliefs and practices (Morantz 2002). Ethnographic research provides evidence that the incorporation of Christian beliefs and values with Cree cosmology was important for their survival during periods of starvation and death and changing social and economic conditions in Cree society (ibid). Despite the penetration of the fur trade and

Christianity into Cree society, traditional spiritual and subsistence-based practices remain generally intact (Hornig 1999; Morantz 2002).

The past century marked the greatest changes in the social and economic fabric of Cree society. In the 1930s and 1940s, the Crees entered the Canadian political sphere when the Department of Indian Affairs listed them as members of administrative bands run by an elected Chief and Band Council (Feit 2004a; Salisbury 1986). The Cree population also began to increase as new and practical measures to improve health and quality of life were introduced (Hornig 1999). About the same time, in response to an alarming shortage of beaver populations, Quebec imposed a system of registered traplines and beaver husbandry throughout the region (Feit 2004a; Morantz 2002). This system was based on the Cree traditional land tenure system, and each trapline was assigned a *tallyman* ('beaver boss' or 'steward') to tally the number of beaver lodges each year (Whiteman and Cooper 2000). By the 1960s and 70s, the James Bay region had become Quebec's focal point for economic development (Desbiens 2004a), as Cree traditional lands were increasingly targeted for mining, hydro and forestry development as well as external intrusions related to sports hunting and fishing (Feit 2004b; Scott 2001). By 1974 the Crees had formed a regional political organization, the Grand Council of the Crees, in response to increasing pressures from Quebec government to construct the James Bay hydroelectric project. The latter led to the signing of the James Bay and Northern Quebec Agreement (JBNQA) in 1975 (See Chapter 3).

Provisions under the JBNQA to protect Cree traditional subsistence practices and to ensure local involvement in regional economic development gradually gave way to the diversification of the local economy. In 1971, for example, hunting and trapping was the

main source of livelihood for about 80% of Cree families, and roughly half of full time hunters combined hunting with wage employment (Salisbury 1986:20-23). More recently, however, wage labour has become the main economic activity while full-time hunting and trapping as a way of life is financed mostly from the income security program (ISP), government transfers and income from temporary employment (Hydro-Quebec 2004a). Nonetheless, ethnographers have pointed out that hunting, trapping and fishing activities continue to hold a privileged position in Cree society, as demonstrated by the traditional holiday breaks for hunting such as the goose and moose breaks (Feit 2004a; Hornig 1999). Moreover, the development of community-based institutions associated with the implementation of the JBNQA provided important employment opportunities for the Crees within areas of health, education and government (Salisbury 1986). Yet, several employment obligations stipulated in the agreement remain unfulfilled. For example, Hydro-Quebec's promise of 150 permanent job positions for the Crees was not realized and Cree participation in forestry and mining activities has been limited (Feit 2004a; Maxwell et al. 1997). Recent studies reveal that unemployment levels in Cree communities continue to rise as a large youth cohort reaches working age and adds pressure to the local job market (Hydro-Quebec 2004a; Scott 2005). These implications were a major consideration of the Cree leadership in negotiating the 'Agreement Concerning a New Relationship between the Government of Quebec and the Crees of Quebec' (2002), particularly with respect to securing employment opportunities for Crees in hydro, mining and forestry development (see Chapter 3).

Currently, the total population of Crees in the James Bay region numbers more than 14,500 individuals living in nine permanent communities scattered throughout the

territory: Whapmagoostui (Great Whale), Chisasibi, Wemindji, Eastmain and Waskaganish are situated on the coasts of Hudson Bay and James Bay; Nemaska, Waswanipi, Ouje-Bougoumou and Mistassini are located further inland. The communities are differentiated by two linguistic variations: inland and coastal Cree. Also, English is spoken as a second language in most communities, although French is commonly spoken in the southern villages of Mistassini and Ouje-Bougoumou (Quebec 2004).

Outside the Cree communities or villages, the region is divided into 320 traplines, which average in size from 200 to 600 square kilometers (Gnarowski 2002). Traplines are based on the Cree traditional land tenure system and are under the management of a designated tallyman. A tallyman, or *amiskuchimaaw*, is usually chosen by the male head of the family and is a decision that is often based on aptitude and overall understanding of the land and traditional Cree practices (Whiteman and Cooper 2000). Tallymen have the responsibility to—''keep traditional law and order in the area, to ensure that the land is not abused, and to oversee the sharing of the wealth of the land''—(CTA 1989:10). For instance, the tallyman determines the amount of wildlife harvest per year, sets a date for the trapping season and is under strong cultural obligation to share traditional 'bush foods' such as game and fish with family and local community members (CTA 1989; Whiteman and Cooper 2000). It is important to keep in mind that while the JBNQA gave Quebec primary jurisdiction over resource management and development on Category 2 and 3 designated lands, Cree tallymen retain responsibility for the management of these lands (Whiteman 2004). Provisions within the New Agreement represent an effort to address this by granting full recognition to family hunting territories as management

units. This, in turn, provides Cree tallymen with more decision making authority over resource and wildlife management in the region (See Chapter 3).

4.2 Social and environmental impacts of large-scale industrial development: the James Bay Hydroelectric Project

In 1971, Quebec Premier Robert Bourassa officially announced plans to construct several large hydroelectric power stations on several of northern Quebec's major rivers flowing into James Bay. Responsibility to administer hydroelectric development in the region was granted to the James Bay Energy Corporation and James Bay Development Corporation, both subsidiaries owned by Quebec crown corporation, Hydro-Quebec (Maxwell et al. 1997; Salisbury 1986). The James Bay hydroelectric project comprised three phases; namely, the La Grande, Great Whale and Nottaway-Broadback-Rupert complexes. The 3 phases combined would have altered 19 rivers and flooded 26,000 square kilometers (km^2) of land to affect a total area roughly the size of France (Maxwell et al. 1997). The La Grande project was completed in 1985 and resulted in the creation of the Robert Bourassa (La Grande-2), La Grande-3 and La Grande-4 generating stations and a total reservoir area of 11,343 km^2 (Hornig 1999). Given that social and environmental impact assessments were not required under Quebec and Canadian law, the Crees were faced with detrimental social and environmental consequences, described below. In 1986, Hydro-Quebec unveiled its plans to construct an additional project on the Great Whale River, located north of the La Grande watershed and upstream from the Cree-Inuit village of Whapmagoostui (translated as Great Whale in Cree) and also known by its Inuit name, Kuujjuarapik. The perceived threat to the rivers, animals and traditional way of life prompted the Crees to launch a five-year international campaign which in

combination with other factors, including the flawed economics of the project, led to the cancellation by Quebec of the hydroelectric project in 1994 (see Feit 2004a; Jensen and Papillon 2000; Niezen 1998). More recently, the Nottaway-Broadback-Rupert phase of the project was abandoned in favour of a new project known as the EM-1-A/Rupert project. The details of the project are described in the following section.

The environmental and ecological impacts of the La Grande complex were substantial. It created a total of 3 dams and 5 reservoirs on the La Grande River and resulted in the diversion of the Eastmain and Caniapiscau Rivers into the La Grande watershed. It also caused the alteration of the natural cycle of the La Grande River and its subsequent impacts on the estuarine fishery; riverbank erosion downstream of the La Grande River; the contamination of fish by methyl-mercury in the new reservoirs; impacts on migrating animals and the drowning death of 10 000 migrating caribou near the Caniapiscau reservoir; and the reduction of prime feeding areas and wetland habitat for wildlife along the river's shore (Berkes 1988; Hornig 1999; Loney 1995; Whiteman 2004). Furthermore, the extent of the impacts was not limited to the La Grande region; the infrastructural development for the project implied the construction of a 700-kilometer road that cut across several Cree traplines and opened up the territory to mining and forestry companies, increased competition among native and non-natives sports hunting and fishing activities and other forms of encroachment (Feit 2004a; Rosenberg et al., 1995).

The changes in the ecological landscape created by the La Grande project are central to understanding the wider social and economic problems that affected the Cree communities. For instance, infrastructural development and the ensuing processes of

encroachment substantially eroded prime resource areas throughout the affected region and severely disrupted Cree harvesting activities (Rosenberg et al. 1995; Whiteman 2004). According to Whiteman (2004), increasing exogenous pressures for resource extraction and development had direct and far-reaching impacts on the Cree tallymen. Specifically, it resulted in a loss of control over and access to natural resources on the trapline, and a loss of ability to carry out traditional management practices, which impacted on the transmission of traditional ecological knowledge to younger generations of Cree. These events, in turn, resulted in a perceived loss of cultural significance of the tallyman's role within the Cree Nation as well as an overall feeling of emotional and spiritual loss (Whiteman 2004). Furthermore, those Cree communities located closest to the project development were also deeply distressed. For instance, residents of the Fort George village were forcibly relocated from an island in the estuary of the La Grande River to a new community named Chisasibi. This process contributed to some devastating social problems including dramatic increases in drugs and alcohol consumption as well as family violence and suicide (Niezen 1993; Rosenberg 1995). Farther south, near the Cree community of Eastmain, the diversion of the Eastmain River and the consequential reduction in 90% of the flow near the mouth of the river had long-term emotional and psychological impacts on the local residents (Donahue and Johnston, 1998). As such, because Cree relations with the land and the animals are profoundly spiritual, changes to the ecological landscape resulting from Hydro-Quebec's activities affected the cultural identity and integrity of the Crees (Maxwell et al. 1997). As discussed in Chapter 5, past experience with the La Grande hydroelectric project serve as

a basis to inform other Cree communities about the potential social and environmental impacts of Hydro-Quebec's proposed EM-1-A & Rupert Diversion Project.

4.3 The EM-1-A & Rupert Diversion Project: partnering and cooperating with the Cree communities

When the Cree leadership signed the New Agreement in 2002, they gave their consent to an environmental assessment and review process for the carrying out of the proposed Eastmain-1-A & Rupert diversion project. The Crees also agreed not to oppose the Eastmain-1 development project stipulated in the 1975 JBNQA (Gnarowski 2002; Scott 2005). Both projects entail the completion of the last phase of the James Bay hydroelectric project. The EM-1/Rupert project includes the partial diversion of the Rupert River northward to the Eastmain-1 reservoir and on to the existing generating stations at the La Grande complex via the La Grande River (See Map Figure 5). It also involves the construction of the Eastmain-1 and-1-A and La Sarcelle hydroelectric powerhouses, as well as the construction of 8 work camps, a 40km permanent road and a 101 km 315 kV transmission line (Hydro-Quebec 2004a). Along the reduced flow section of the Rupert River and downstream of the diversion point, an in stream flow regime will be maintained. Specifically, 28% of the mean annual flow of the Rupert River will be maintained at the spillway release point, while 48% of its flow will be preserved at the mouth of the Rupert River (ibid). The communities that are expected to be most affected by the proposed project are Mistissini, Nemaska, Eastmain, Wemindji, Waskaganish and Chisasibi.

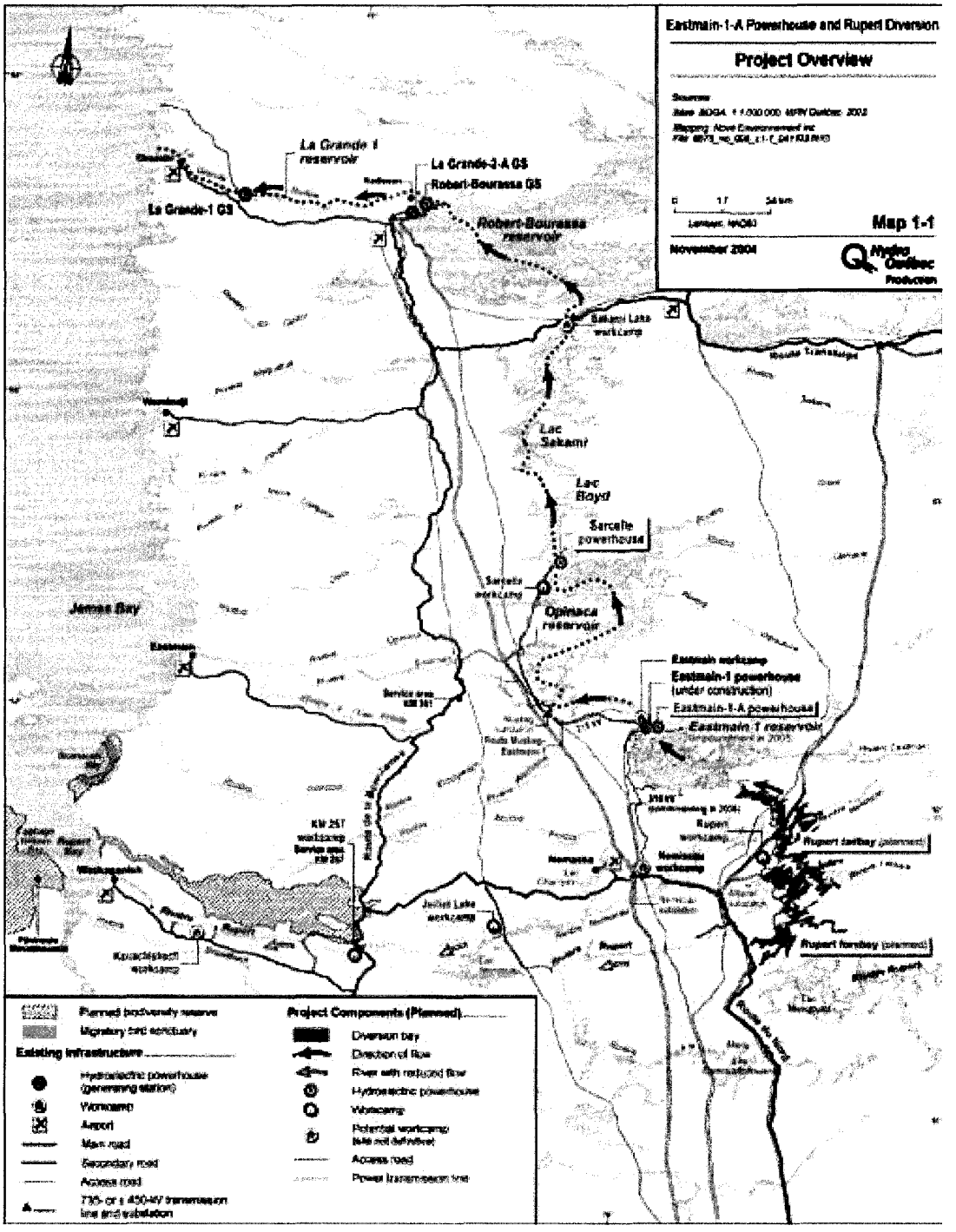


Figure 5: EM-1-A & Rupert diversion project overview
(original image source: www.hydro-quebec.com)

Scheduled for completion by 2014, the EM-1-A/Rupert project represents a $4-billion (CAD) dollar investment that will produce approximately 900 megawatts (MW) of energy; this signifies a substantial increase in gross electrical production in Quebec and is expected to create about 10,000 direct and in-direct jobs over the next decade (CEAA 2006a). However, despite Quebec Premier Jean Charest's recent declaration that the EM-1/Rupert project is a step forward in current efforts to produce clean and renewable forms of energy, some Crees are concerned about the long-term effects on the ecosystem and traditional harvesting activities (CBC 2007). Matthew Mukash, who fought the Great Whale project in the 1980s, defeated then Grand Chief Ted Moses in an election in September 2005. Mukash's victory over Ted Moses is an indication of the controversy and internal politics the project has generated for the Cree people. Along with several other Cree leaders, Mukash is critical of the proposed project and favours the construction of wind turbines for energy production as an alternative to diverting the Rupert River (Bonspiel 2004; Radio-Canada 2005).

Nonetheless, an underlying rationale for Cree consent to the EM-1-A/Rupert project is Quebec's promise to shelve the originally conceived Nottaway-Broadback-Rupert (NBR) complex—a much larger project that proposed the complete diversion of the Rupert and Nottaway rivers into the Broadback River and would have flooded a significantly larger area of land (See Table 1). Hence, the trade-off for the much smaller and less environmentally destructive EM-1-A/Rupert project—about one-eighth the size of the NBR—is an added benefit to the Crees (GCC 2002). Plans to divert the Rupert River northward into the existing La Grande complex were also appealing to Hydro-Quebec since it has been undergoing problems of maintaining ample water levels

Table 1: Brief comparison of the Eastmain-1-A & Rupert diversion project and the Nottaway-Broadback-Rupert project		
Characteristics	**Eastmain-1-A & Rupert diversion project**	**Nottaway-Broadback-Rupert project**
Reservoirs	Creation of 2 diversion bays	Creation of 4 major reservoirs and diversion bays upstream of the 11 planned powerhouses
Total area flooded	346 km^2	6,497 km^2
Number of dams	4	Approximately 20
Number of dikes	74	Over 130

Source: Canadian Environmental Assessment Agency (2006a)

in the La Grande reservoirs (Scott 2005).

Another key element behind the Cree-Quebec rapprochement is the guarantee of Cree involvement in the early design stage of the proposed hydroelectric project. As mentioned, the EM-1-A/Rupert diversion project is subject to environmental and social protection regimes stipulated in Section 22 of the JBNQA and in collaboration with the Canadian Environmental Assessment Agency (CEAA). Cree involvement in the review bodies and procedures of the regimes is facilitated through the establishment of a joint mechanism for assessing the social and environmental impacts associated with the proposed project (See Chapter 8). The review bodies undertake to promote opportunities for participation and consultation with the Cree communities and to ensure that their views and concerns about the project are effectively addressed and incorporated into the environmental assessment (Evaluating Committee 2003). Additionally, full consideration and use of the knowledge and expertise of the Cree land users must be integrated into baseline information for the impact study (ibid). In this context, it is imperative to

consider the Cree tallymen in project planning and in identifying key issues because they are important grassroots managers of the land and they hold first-hand experience of the impacts of economic development on their traplines (Whiteman 2004). However, as Whiteman (2004) observes, while Hydro-Quebec has undertaken to consult with the tallymen, there are no clear guidelines in the EIA process with respect to consulting with the tallymen as a group. Consequently, there is a danger that the views and concerns of the tallymen "may become subsumed under the Cree in general" (443). A more comprehensive assessment of various aspects of local involvement in and concerns about the impact assessment process is provided in Chapter 8.

Another significant initiative was the Boumhounan Agreement, signed between the Grand Council of the Crees and Hydro-Quebec in 2002, which undertakes to promote opportunities for Cree involvement in environmental studies, remedial works and development of mitigation measures related to the EM-1-A/Rupert project (Hydro-Quebec 2007b). A key aspect of the agreement is the Cree-Hydro-Quebec Feasibility Study Group, which is mandated to ensure that the tallymen of the affected traplines are directly involved in data collection and environmental and technical fieldwork associated with the feasibility studies. For example, tallymen participate in studies related to water quality and fish, thermal and ice regime and land-use for hunting, fishing and trapping. The study group is also responsible for overseeing the diffusion of information pertaining to the project within the affected communities and to encourage dialogue and the sharing of knowledge between the trapline users and the field study groups (Hydro-Quebec 2007b).

In summary, the James Bay Crees have a recent history of experience with the adverse effects of large-scale hydroelectric development on their traditional territories at the same time as the Quebec and Canadian governments as well as corporate industry failed to conduct proper assessments of the consequences of such projects. Ethnographic research provides evidence that the construction of large hydro projects can cause the most detrimental of impacts to both land and local communities and that the long-term effects adversely impinge on the strength and viability of traditional harvesting (Loney 1995; Niezen 1993, 1998). Recently, however, significant advances have been made to incorporate Cree views and concerns, as well as their traditional knowledge and expertise, into the environmental assessment process and design stage of the most recent phase of the James Bay project. These initiatives also seek to introduce development projects that are generally more compatible with Cree values and way of life. But despite the achievements made, many Crees are concerned that the impacts of Hydro-Quebec's proposed development project, combined with the impacts of earlier hydro development, may exacerbate problems relating to encroachment caused by opening up the territory for economic development and impose further restrictions to traditional hunting, trapping and fishing activities. Given that the regional Cree leadership for a variety of reasons took up a position of support for the Rupert River project, a local opposition group was formed to take action against the planned river diversion. Nemaska Cree perspectives on the potential impacts of the EM-1-A/Rupert diversion project as well as the capacity of the community to voice its views in relation to the project are the focus of the following chapters.

Chapter 5: Nemaska Cree concerns about the impacts of the EM-1-A & Rupert Diversion Project

"Hydro-Quebec says that there will be no problem. But when you decide to divert a river, you create a problem" Freddy Jolly, Cree tallyman, Nemaska (2004).

This chapter highlights Nemaska Cree concerns about the potential impacts of the EM-1-A & Rupert Diversion Project; specifically from the perspective of Freddy Jolly, a well-respected Cree tallyman at Nemaska whose trapline will be affected by the proposed hydroelectric project. It also includes supporting views and perspectives of other individuals from neighbouring affected communities, including elders and tallymen at Chisasibi and Waskaganish. The following three (3) themes emerged from the interview data: encroachment and restriction, water quality and methyl-mercury contamination and harvest disruption. These are discussed below and followed by a discussion.

5.1 Introduction: to protect and care for the land

Cree tallymen like Freddy Jolly at Nemaska and others whose hunting territories will be affected by the EM-1-A/Rupert project carry the heavy burden of responsibility to protect the land from environmental destruction and secure their cultural way of life. Regardless of whether they agree or disagree with the proposed project, they have expressed their views and concerns about the potential impacts to the land, animals and traditional practises. Whiteman and Cooper (2000:1276) suggest that "[t]allymen felt responsible for both the economic and environmental welfare of their hunting grounds". Consistent with this, Freddy Jolly has spoken of his concern about the likely changes to his trapline as well as to the implications for his responsibility as tallyman to maintain the

health of his trapline for his family, community and future generations. Freddy is especially concerned to keep a promise he made to his late father, Allan Jolly, before he died in 1990: "...I still recall his words and still want to respect the terms of his transfer of the trapline R-21 from himself to me".

Roger Orr, a social worker at Nemaska, summarized this perspective:

> "Freddy's love for the land is very strong; the sturgeon, the water, the people... He has a lot of teachings and he is known for that. But he's a victim of everything, of another society's industrial ways and he's trying hard to protect his dad's legacy...And it's through the suffering that the ancestors recognize that. They see what is truly in his heart..." (personal communication, 2007).

Thus, when large-scale hydroelectric development projects take place on James Bay territory, the Cree tallymen are the first in line to observe and experience the adverse effects of environmental degradation on their traplines and way of life. Thomas Jolly, a resident at Nemaska, spoke of his feelings of distress concerning the tallyman in the following terms:

> "If I had a choice to maintain the trapline as is but still having a viable way of living, then I would keep that way instead of having to extract resources. But to what extent does the tallyman have the decision-making authority? They'll have a tough time with that".

In the following statement, Freddy Jolly expressed his concern about what he believes will be the scope of the impacts of the Rupert Diversion Project with respect to his trapline:

"SEBJ [Société d'énergie de la Baie James] says that my trapline will be most affected in Nemaska. The north-east portion will have a dam and will flood the entire area. There will be construction, blasting to build dikes, tunnels and hydro camps. The work may take as long as 10 years...The game will move further north, especially the moose will move away from the noise. It will be difficult to trap and fish on my trapline. There will be less area for the game to stay. The area will be so small that I'll be able to cover it in one day. There will also be more people during the summer who hunt and fish along the road. And almost everyone has a pick -up truck, so there's no way for me and other tallymen to harvest the game because of more access into the territory".

5.2 Encroachment and restrictions

5.2.1 Road impacts

Tallymen believe that a major impact of large-scale industrial development is the loss of control over the management of natural resources on the trapline caused by the establishment of road infrastructure and increasing access into the territory by outsiders. As Freddy Jolly explained:

"The Route Du Nord makes [it] even more difficult for me to control access because more hunters come here. I don't mind it when they come to fish because there is plenty of fish in our waters. But there is less big game because more people on the road kill the animals on the road".

With Hydro-Quebec's proposed project, the creation of additional hydro camps and access roads near the community of Nemaska is a serious concern to some tallymen.

Freddy Jolly expects that he will find it difficult to manage his land if an influx of sports hunters and tourists (natives and non-natives alike) start gaining further access to his trapline: "Now with this project they want to build access roads right behind my camp. But they're opening the door for non-natives..." The new road infrastructure and additional hydro camps and workers will certainly add tension because of impacts on game animals in the area. For instance, tallymen repeatedly stated that traffic on the Route Du Nord is already a major cause of road kill and generates serious concern about the future security and viability of large game like moose and caribou that travel on the road during their migrations.

A key component of the La Grande Project in the 1970s was the construction of the James Bay highway that stretches from Matagami in the south to the village of Radisson at its northern end, approximately 90 km to the east of the Cree community of Chisasibi. The construction of the highway has caused some heavy industrial and sports hunting and fishing activities in and around some of the hunting territories. Most of this relates to hydro development, including an influx of tourists to the area as well as the establishment of the village of Radisson in 1974, the only non-native community in northern Quebec north of the 53 parallel.

One severely impacted hunting territory belongs to the Cox family trapline at Chisasibi. The La Grande project resulted in the construction of three (3) main power lines that stretch across the trapline, as well as the main dam with its sixteen (16) turbines, twenty-nine (29) dikes, sand pits, the LG-2 airport and the community of Radisson which are all located within or in the vicinity of the trapline. Samuel Cox, the

tallyman, explains: "Since the damming of the La Grande Project, any non-native who comes through here does not realize that they're on a trapline".

Since it is expected that the number of sports hunters and fishermen will increase significantly in areas where workers' camps are located, tallymen suggested that while more game wardens in the areas in or around their traplines might help address this problem, it will also undermine the manner by which they conduct their activities in the bush. Specifically, some tallymen are concerned about the growing number of hydro workers around the construction areas and the probability of stringent government rules for fishing. Freddy Jolly expressed a sentiment of discontent about this possibility:

> "More roads and camps will lead to more game wardens. But as a tallyman, I'm afraid that were going to become more and more controlled by the laws of the government...I'm also afraid that they'll force me to purchase a fishing license because too many people are starting to fish around here".

Or similarly, in the wake of the proposed project, Dondus Hester, a tallyman in Waskaganish, said:

> "I hope the government doesn't come and tell us we need a permit now to go fishing. That scares me because it's more and more like we have to register our guns. Well, that's understandable for safety but I hope we don't buy a ticket for fishing in the future".

5.2.2 Impacts on navigation

Interviews with Freddy Jolly and other Crees indicate that there are concerns that the diversion of the Rupert River and the reduction in its flow[7] may restrict trappers from travelling by river to traditional sites and from carrying out their daily activities. For

instance, Freddy is worried about worsening snowmobile traveling conditions and the safety of the winter ice in the north-east part of his trapline where flooding will take place[8]. After hearing the stories of elders and trappers living near the La Grande Complex, Freddy's distress is clearly not without justification:

> "Way back at LG-2 the trappers had an area where to cross, but now they cannot even cross with a ski-doo. In the Opinaca reservoir, hunters say that they cannot cross the reservoir because it is too dangerous. Chisasibi trappers say that it's dangerous to cross and that they must go on the land to fish. They even relocated their camps there...It will be the same for Nemaska trappers. It will become more dangerous to our lives".

The reduced flow and water level and the construction of weirs in some parts of the Rupert River may have a deleterious impact on travel conditions along the river and restrict access to some sites of importance to the Cree such as old trading posts and camping sites. It was repeatedly suggested by elders, tallymen and their family members that travel on the river may be severely affected if the project goes through[9]. Freddy Jolly shares this perspective:

> "Right now I can travel as far as I can, but when they build the weirs, how will I travel passed them? Up the river, we will lose everything: portages, canoeing, spawning areas and areas where we trap bears. It will all be under water...In the summer we will be forced to get smaller motors because there will be less water. For me, it will be difficult since the bottom of the river is very rocky. How will I navigate?"

Billie Stephens, an elder from Waskaganish, has similar concerns: "If the diversion takes place and the weirs are built and the water's gonna be shallow, I don't think it's going to be navigable anymore".

For many Crees, it seems only plausible that if trappers are faced with restrictions in traveling and accessing specific sites, then the fish will also have difficulty navigating the Rupert River. This issue is discussed below.

5.3 Water quality and fish

The scepticism many Crees feel about water studies conducted by the proponent is reflected in Freddy's assessment of the impact on water quality: "SEBJ says that the water will not change. But they also say that the spillway effects are unknown and that they have never tested the water at LG2. Then why do they say that the water will not change"? Freddy is particularly concerned about the likely increase in water temperature during the summer when the water levels naturally decline, further exposing the shores along the river[10]. As Freddy explained:

> "The water temperature is crucial. If there is less water, then the temperature will increase. If the water decreases during the summer, will they open the spillway all summer to compensate for the loss? They need to send that water to LG-2. The fish will need water to survive and they will have to go deeper to look for food, which will make it easier for the pike to eat other fish. If the water gets warmer, then we may find more disease in the fish. They prefer cold water in the summer".

There is widespread concern that reduced flow and turbidity combined with the introduction of salty water in the river will unequivocally change the quality of the

drinking water[11]. This reflects the experience of other communities where the water of the La Grande and Eastmain rivers are no longer safe for people to consume. According to Chief Abraham at Chisasibi, local residents must travel a long way outside the community to gather drinking water because they are wary of drinking chlorinated water. He also stated that residents expressed anguish that their drinking water comes from the same source as the flooded water that buries their ancestors' remains (personal communication 2005). An elder from Chisasibi expressed a sense of distrust about the quality of water coming from the river and the water system installed in the community: "Today we cannot drink the water, it is not pure and we don't trust the cleanliness of the water. We are in search constantly for pure, clean water. Most people don't like the tap water and travel long in vehicles to get spring water".

Freddy Jolly suggested that the diversion of the Rupert River might bring a change to the quality of the water on his trapline:

> "Right now the colour on the Rupert is very clean. If we build a dam, the effects of the spillway will change the colour of the water. If they don't open the spillway, less water and more wind will stir the sand and change the colour of the water to light brown on the Rupert all the way to Waskaganish. The taste will also change. Trappers in Eastmain and Chisasibi don't drink their water. They have to get their water at km 381 or travel 100km to fill up their pails. The tap water is only used for cleaning and washing...The water at Champion Lake comes from Nemiscau River. If they build a dam, then they create problems for the Nemaska people".

Informants in Waskaganish shared concerns about the impact of the reduced flow of the Rupert River further downstream where it runs into James Bay. A tallyman explained: "The bay, that's my question, too. It's the high tide that pushes the water in, maybe more coming from the bay, more salt water coming in..." An elder explained: "Out on the bay when the water is slow more dirty water will come in".

With respect to impacts on fish, sturgeon fish are known to be extremely sensitive to disruptions in water quality. Recent meetings with the project proponent provided an opportunity for the tallymen to raise their concerns about the deteriorating state of the sturgeon fish in the Eastmain River and to ponder the fate of these fish in the Rupert River after the diversion[12]. Freddy anticipates the likely impact of low water levels on the spawning grounds in the following statement:

> "When Hydro and the study group showed me the maps, I told them that they should not build a dam and weirs because they will disrupt the spawning grounds...The spawning areas are located at the rapids, but with the project the water will be reduced. The weir will be [located] far down the river, and there's no way that the water will rise and reach the spawning areas. So there will be less water on the rapids. If the fish spawn on shallow waters and they close the spillway, the eggs will dry up and the birds will eat the eggs. So I guess there will hardly be any sturgeon left..."

Tallymen also fear that the sturgeon and other fish will relocate to other areas where changes in the water are less pronounced[13]. Freddy is worried that weirs in the Rupert River will restrain the fish from traveling downriver: "I think the sturgeon will move [away] because they need to travel. The transmitter studies indicated one sturgeon that

traveled 45km down the river. So the fish will move spawning areas to Martin River and further..." Personal communication with trappers in Chisasibi and Eastmain support Freddy's concerns: "At Opinaca last year, trappers found some sturgeon spawning at a new place for the first time ever. I think that they had to find another place to spawn. It tells us that the sturgeon is searching around to spawn somewhere else..."

The 'passing of information' by residents of the affected communities which "gives us an idea of how the Rupert is going to be like" to use the words of tallyman Dondus Hester at Waskaganish, adds to the sense of anxiety felt by many Crees about the likely changes to the watershed. The following quotation by Climey Weistche, an elder at Waskaganish, demonstrates that while most Crees are aware of the planned diversion of the Rupert River, a significant number of them do not fully understand the nature and scope of the project:

> "We don't know what's going to happen because we're not aware of what exactly is going on. The water will be low for sure. We asked about the fish from engineers or designers of the weirs. We ask how the fish will navigate up the river each year when the weirs are built. We ask if the fish will be locked by these weirs. The response we got was that the weirs...there will be fish channels made on or around the weirs so the fish will be able to go up the river. It's hard for us to accept that..."

Freddy's interpretation is that "[t]he fish will get stuck between weirs and only travel back and forth like in a lake". He also provides anecdotal evidence from elders in other affected Cree communities to support his concerns about the probable negative impacts on fish populations:

> "The elders from Chisasibi, Wemindji and Eastmain say that they catch sturgeons that don't look the same as before the LG-2 development. One elder said that the fish look bad and unhealthy, and taste differently. The elders blame the water and their food. The elders say that if the project goes through, [we] Nemaska Crees will have the same impacts...[We'll] have to look in another place for the sturgeon".
>
> "Chisasibi hunters at LG-2 say that the fish are skinny. One other at Opinaca [reservoir] last year said that they caught one with a big head and a flat nose... When I hear these words from the fishermen, I listen. It's like the sturgeon are crying out about its bad state. The water at LG-2 is not clean and their food is different".

Methyl-mercury contamination in lakes and rivers and in the local fish species is a well-established impact of hydro development in the region and of serious concern to Cree health and way of life (See Hornig 1999; Rosenberg et al. 1997). Freddy acknowledges the likely impact of this phenomenon on fishing activities in and around the new diversion bays: "If the project goes through, we may have to stop eating the fish in the Rupert. Our eating habits will worsen. There's already a problem with diabetes in all Cree communities. Ever since 1975, more people are sick". David Bearskin, an elder at Chisasibi asserts that for the fifteen (15) years following the La Grande Project local people could not fish in the reservoir because of methyl-mercury contamination in the fish: "...Only the Cree ancestors fished here and this is the most impact on the Cree". Samuel Cox, a tallyman at Chisasibi, also described the impacts of water contamination on his community:

"A lot has happened since then. Look back at the impacts from the flooding and all the issues that affect us now. One of them is mercury, you know. My family had to take medication for one whole year due to the amount of mercury found in their bodies. This happened a couple of years after the flooding".

The distress to Chisasibi people caused by the impact of mercury contamination on the local fishery has heightened concerns about the impact of changes to the Rupert River on fish[14]. For instance, tallymen in Nemaska know that after the diversion they will have to avoid eating predatory fish in and around the diversion bay area due to higher levels of mercury contamination in the water. This problem, coupled with the fact that tallymen will be forced to search for new fishing grounds downstream of the dam[15], contributes to much local dissention over the feasibility of the project and pressure on the proponent and the Cree leadership to be accountable for the sustainability and health of the local ecosystem.

5.4 Harvest disruption

Given that the natural flow and dynamics of the Rupert River will change significantly as a result of its diversion northward to LG-2, tallymen feel that hunting and trapping activities on the Rupert and adjacent rivers will be affected and the local fur-bearing animals will relocate elsewhere. Freddy has provided the following summary of the likely affect of the flooding and reduced flow of the water on water dwelling animals like the beaver, otter, and martin in those areas:

"SEBJ showed us on the map the decrease in water on both sides of the river. I told them that they will be changing our trapping and fishing activities on these

rivers...During the fall, we set traps for the beaver because it rains a lot and the water rises, so the beaver gets ready for the winter. If the project goes through, it will change my trapping on the river. If the water decreases below the dam, there is no way for the beaver to stay on the three [Rupert, Nemiscau, Lemare] rivers. It will relocate inland in lakes and small creeks. Then I will have to follow the game and relocate inland. I think the trapping on the three (3) rivers will be terrible. There will probably be no beaver at all".

Tallymen feel that in such circumstances the number of beaver may decrease in the affected areas and relocate to a more suitable location[16]. However, on a more positive note, some trappers are confident that hunting and trapping in the affected areas will eventually return to a more natural state. Johnny Weistche, a trapper from Waskaganish, explains: "Remember in Chisasibi? It was like that at the beginning when the project went on where there was hardly any game or hardly any beaver around the area. But now the time passes and it's beginning to replenish again, just recently, over the last 30 years". Nonetheless, interviews with residents at Nemaska, Waskaganish and Chisasibi suggest that an immediate decrease in trapping potential is a widespread concern among the Cree tallymen and elders.

Caribou and other large game are an important source of traditional food to the James Bay Cree, and the cornerstone of traditional bush activities for the tallymen. Freddy's understanding of the caribou is reflected in the following:

"There's a trail that the caribou follow. On my trapline, there is a place where I would see them everyday. My mother says that the caribou have a trail and a specific area where they feed. They always know where the food is and they

always go north. My father once mentioned that they would see the moose every fall during mating season and they still use the same spot today. The elders would say that this area is for the game. R-21 is their home, their land and they know the trail".

In the wake of the proposed project, Freddy feels that the drilling and blasting at the onset of the construction phase will disturb the large game animals that travel through his trapline[17]: "They [caribou] often cross anywhere, but there are spots where their trails are, so they follow them. But those will be flooded". The discussion of the impacts on wildlife also includes the possibility of an increase in local abundance of some game animals. For example, David Bearskin at Chisasibi associates the construction of the James Bay highway and heavy forestry activity in the southern Cree communities with an increase in moose: "Way back there was practically no moose at all...and over [the last] seventeen years I've seen moose harvested near Great Whale territory. Since the project and the roads there is a large abundance of moose harvested here".

"I told Chief Robert [of Waskaganish] that if the project goes through, he can kiss his snow geese good-bye" (Personal communication with Chief Abraham Rupert, Chisasibi, 2005)

As explained in section 5.2.1 of this chapter, the increased traffic in the vicinity of the construction area for the Rupert Diversion Project is expected to have an unfavourable impact on game animals that travel along and across the Route Du Nord. Road kill in the form of carcasses of caribou along the road is common during the peak migration period. Freddy Jolly made the following observation about this: "There are so many hunters on the road killing caribou, either with their rifles or [they] accidentally hit them by car. The road is

dangerous to the caribou, moose and small game because of the increased traffic. For sure we will have less game".

In summary, Freddy Jolly asserts that the proposed expansion of hydroelectric development will increase the likelihood of outsider intrusion into the territory caused by the construction of additional road infrastructure and the establishment of workers' camps. Additionally, a reduction in the flow and water levels in some parts of the Rupert River and the construction of hydraulic structures (weirs) along it will cause adverse impacts on traveling conditions on the river and affect the quality of the water as a drinking source for the Crees. Freddy is also worried about methyl-mercury contamination in lakes and rivers and the resulting impacts on the local fishery. Finally, water dwelling animals may relocate away from the flooded areas caused by the creation of the diversion bays and reduced water levels on the Rupert River. The construction phase of the project may also displace large game animals such as the caribou from their travel routes and prime feeding areas. These potential impacts, in turn, may have a detrimental effect on traditional Cree hunting and trapping activities and impinge on Freddy's abilities to manage the local resources on his trapline. Thus, while much research was conducted as part of the impact review process for the EM-1-A/Rupert project, the information provided by Freddy Jolly (and other Crees) offers a valuable perspective on the socio-environmental impacts of economic development in James Bay.

5.5 Discussion

There are two key implications that emerge from the above documentation. First, the views and concerns of Freddy Jolly and other Crees about the potential impacts of

large-scale industrial development in James Bay cannot be dissociated from their sense of responsibility to protect and care for the land. In the wake of the proposed hydroelectric project, Freddy Jolly expressed his concerns about the impacts on his trapline by speaking on behalf the land, the animals, the fish and the birds: "When the tallyman speaks, it is the land that speaks through him", or "Each day, the land speaks to the tallyman". According to Freddy, the bush is like a classroom; it teaches him about the land and how to protect it from the ravages of economic development. Thus, Freddy's proposal to invite me to visit his trapline was based on his willingness to share his knowledge about the land and concerns about the proposed hydroelectric expansion and to reveal his close relationship with the Rupert River. At the end of my field session in the bush, Freddy elucidated this: "Let the spirit of the Rupert River flow inside you, and when you go back [home], spread the word that the river is life". In a similar way, Feit (2004b) highlights the Cree hunter's initiative to protect his trapline from forestry cutting by inviting loggers to visit the land in hopes of making them understand the special relationship with the land that is fundamental to the Crees. By doing so, the hunter anticipates that the land itself will convey its own message to the logger about the implications of logging on the natural ecosystem, as long as the visitor is willing to listen.

Secondly, Freddy Jolly believes that taking responsibility to protect and preserve the local ecosystem will essentially, and synonymously, bolster Cree traditional knowledge and harvesting practises. However, if the tallyman's place of work is sabotaged by development, then so is his ability to teach the younger generation about traditional values and practises (Whiteman 2004). Furthermore, Freddy is concerned that the expansion of hydroelectric development in the region and the projected growth in

wage employment generated by the proposed project will take Crees away from spending time in the bush and result in a loss of ability to educate Cree youth on traditional ecological knowledge. Thus, Freddy's sense of responsibility as tallyman largely emanates from his personal judgement that "[T]he Cree way is becoming more of a *spoken* culture than a *practised* culture" to use Freddy's words. These circumstances clearly depict the new challenges faced by tallymen in light of the changing socio-economic environment and their role within it. Consistent with this, some Cree elders and trappers at Waskaganish believe that with further economic development in the James Bay territory and as more young Crees seek employment and other activities that undermine their ties to traditional *bush life*, the importance of traditional practises will further decline.

Prelude to Chapters 6, 7 and 8: Nemaska Cree motivation, reaction and resistance to the EM-1-A and Rupert diversion project

A) The EM-1-A/Rupert project: a bittersweet debate

I arrived at Nemaska to begin my research amidst the controversy over the Rupert diversion project, only a few months after the signing of the 'New Relationship Agreement' in 2002. Informal conversations and interviews with Nemaska Crees revealed that many local people were dissatisfied with the new deal. Some felt betrayed by the Cree leadership because the agreement was negotiated in secrecy between Cree and Quebec officials. Thomas Jolly, a Nemaska Band employee expressed his discontent with the lack of transparency of the Cree leadership throughout the negotiating process: "There is change in the community and the way we work as a community". Others were critical of the events leading up to the public referenda[18] for the New Agreement for several reasons: First, public involvement in the community hearings was limited as many Crees, especially the elders and tallymen were in the bush hunting and trapping during the winter months when the hearings were being held. Second, a two-month timeframe to make a decision on the new deal was believed by many Crees to be unreasonable and insufficient to fully understand the implications of diverting the Rupert River. Third, the Grand Council of the Crees showed no support for the realization of a local official opposition party, which might otherwise have legitimized the opposition's stance on the Rupert River issue. Finally, some Nemaska Crees were blatantly unhappy about the Rupert River being surrendered to economic development. Jeremy Diamond, a 21-year old employee at the Cree Regional Authority (CRA) elucidated this:

> "When the news first came out, my friends and I couldn't believe it. I called my dad and then checked on the Internet. I felt betrayed right away and I started

> questioning our leadership. It really hurt me inside and I almost cried when I heard about it. My friends and I began reviewing it to find ways to oppose it; to find an opposition plan...We felt that we could do something better. ... So I made the decision to come home from school in North Bay to fight the project. I began to work with the opposition here in Nemaska and other communities".

However, not all Nemaska Crees are opposed to the proposed hydroelectric expansion. Many local residents express ambivalence about the project, suggesting that the short- and long-term benefits derived from the proposed project may be necessary for securing the social and economic needs of a growing Cree nation. Other Crees residing in communities that will also be affected by the EM-1-A/Rupert project have expressed similar sentiments. For instance, Billie Stephen, an elder at Waskaganish, believes that more education and employment opportunities are essential for the well-being of the Cree youth: "...This is my understanding of how the Cree can survive today", he says. In a similar way, Dondus Hester, a tallyman whose trapline will be affected by the Rupert Diversion Project at Waskaganish, hopes that more Crees will secure the jobs available in the territory: "The population is growing and people are trying to find jobs...We need this project and we need the electricity...".

Furthermore, the ambivalent feelings expressed by a significant number of local residents at Nemaska make it difficult to measure the level of local support for or resistance to the EM-1-A/Rupert project. For example, an elder made the following observation: "It doesn't really matter if you support or oppose the project. In the end, no one in their right minds can truly be happy about it" (personal communication 2004).

B) The local opposition group and strategies of resistance

The local opposition group at Nemaska was formed at the onset of the community consultations for the Agreement in Principle (AIP) in 2001[19], which functioned as the starting point for negotiating a final agreement, known as the 'New Relationship Agreement' between the Cree Nation and Quebec Government in 2002. The New Agreement paved the way for the development of the proposed Eastmain-1-A & Rupert diversion project. The opposition group consisted of nine (9) members; namely, Josy Jimiken (Chief/President of WGESD), Roger Orr (social services), Linda Orr (Band Office), James Diamond (CRA), Jeremy Diamond (CRA/Coordinator of WGESD), Thomas Jolly (Band Office/Economic Development Officer of WGESD), Lindy Moar (Communications attaché of WGESD), Bertie Wapachee (Policy advisor of WGESD) and Freddy Jolly (tallyman). The raison d'être of the local opposition was to raise awareness about the significance of the Rupert River for the well-being of the Crees and future generations and the potential for alternative modes of energy production in the region (i.e. wind power).

The Nemaska Crees encountered various opportunities and challenges in their efforts to engage in political action against the proposed project. For example, political opportunities associated with information and communications technology such as the use of Internet, Web sites and media tactics helped mobilize the political struggle over the Rupert River. The local resistance movement was able to effectively engage in coalition building (both locally and nationally) and make use of media in print and radio as well as via Internet to publicize its position on the diversion project. Alliance building with the Rupert Reverence Coalition, an organization that boasts extensive experience in

media relations, was a major asset. For example, the group undertook to write two (2) press releases in French publicizing the protest walk and provided a list of names and phone numbers of media outlets to be contacted and sent the relevant information. Furthermore, the annual general assembly held by the Grand Council of the Crees in Wemindji and the community consultations for the environmental assessment of the EM-1-A/Rupert project provided a platform on which members of the local opposition could directly challenge the Cree leadership and Hydro-Quebec.

There were also financial and technical constraints associated with the protest walk. For instance, a significant sum of money was needed for gas, food and other supplies for the two-week trip to Wemindji. The satellite phone rental, which was necessary for both communicating with the media and for emergency use, cost a total sum of $2000 (CAD). The Rupert Reverence Coalition provided some financial assistance, however the Nemaska Band refused Freddy Jolly's request to pay for the satellite phone. Furthermore, due to a limited amount of time and resources for organizing and carrying out the protest walk, the local opposition group was restrained in its efforts to establish a larger network of supporters at the local, national and international levels.

The following chapters present Nemaska Cree strategies of resistance to the planned Rupert River diversion project (See Table 2). Chapter 6 presents various political strategies used in combination with one another. It focuses on a protest walk in particular, as well as efforts to confront the regional leadership at a general assembly; efforts to engage in coalition building with activists and environmental groups as well as other Cree communities; researching alternative modes of energy production; and the use of

information and communications technology. Chapter 7 centers on a trip to the community of Chisasibi, which served the dual role of informing Nemaska Crees of hydro related impacts as well as partnership building with the Chief and local residents. Chapter 8 examines local participation in the consultation process for the environmental assessment of the Rupert diversion project as well as efforts to find weaknesses in the impact study.

Table 2: List of strategies used by the local resistance movement

Three main political strategies	Date initiated
Strategy #1: A protest walk to save the Rupert River	
• Freddy Jolly contacts the Cree regional radio station and Nation magazine to publicize plans to initiate a protest walk and generate regional support. • Other members of the local opposition join forces with members of Waskaganish and Chisasibi communities to research wind energy as an alternative to the Rupert River. • I (researcher) return to Montreal and undertake to write press releases and contact the media with the help of Rupert Reverence Coalition. • An on-line petition is created by a fellow student (Ouana Radu) at Concordia University, Montreal, Qc. • An email address is made available to receive views and comments from the larger public.	June 2004
• Freddy and others initiate a protest walk to Wemindji. I (researcher) stay in Montreal to act as liaison person between Freddy and the media via satellite phone.	August 2004
• Annual General Assembly is held August 17th to 19th. Freddy talks to panel of leaders about the significance of the Rupert River. A proposal for an 'Eeyou Istchee Commission on Energy' is tabled by the Chiefs of Nemaska, Waskaganish and Chisasibi.	August 2004
Strategy #2: Networking with Chisasibi Crees	
• A visit to the Chisasibi community served the dual role of informing Nemaska Crees of hydro related impacts and to gain a fuller appreciation of Chisasibi's standpoint on the Rupert issue.	July/August 2005
Strategy #3: Local participation in the public hearings for the EIA of the project	
• Members of the local opposition avail of the opportunity to articulate their concerns about the project and environmental assessment process with panel members and Hydro-Quebec. They also find weaknesses in the technical studies presented by Hydro-Quebec.	* March 2006
* The first round of public hearings held in Nemaska, 2003 are not included in this study	

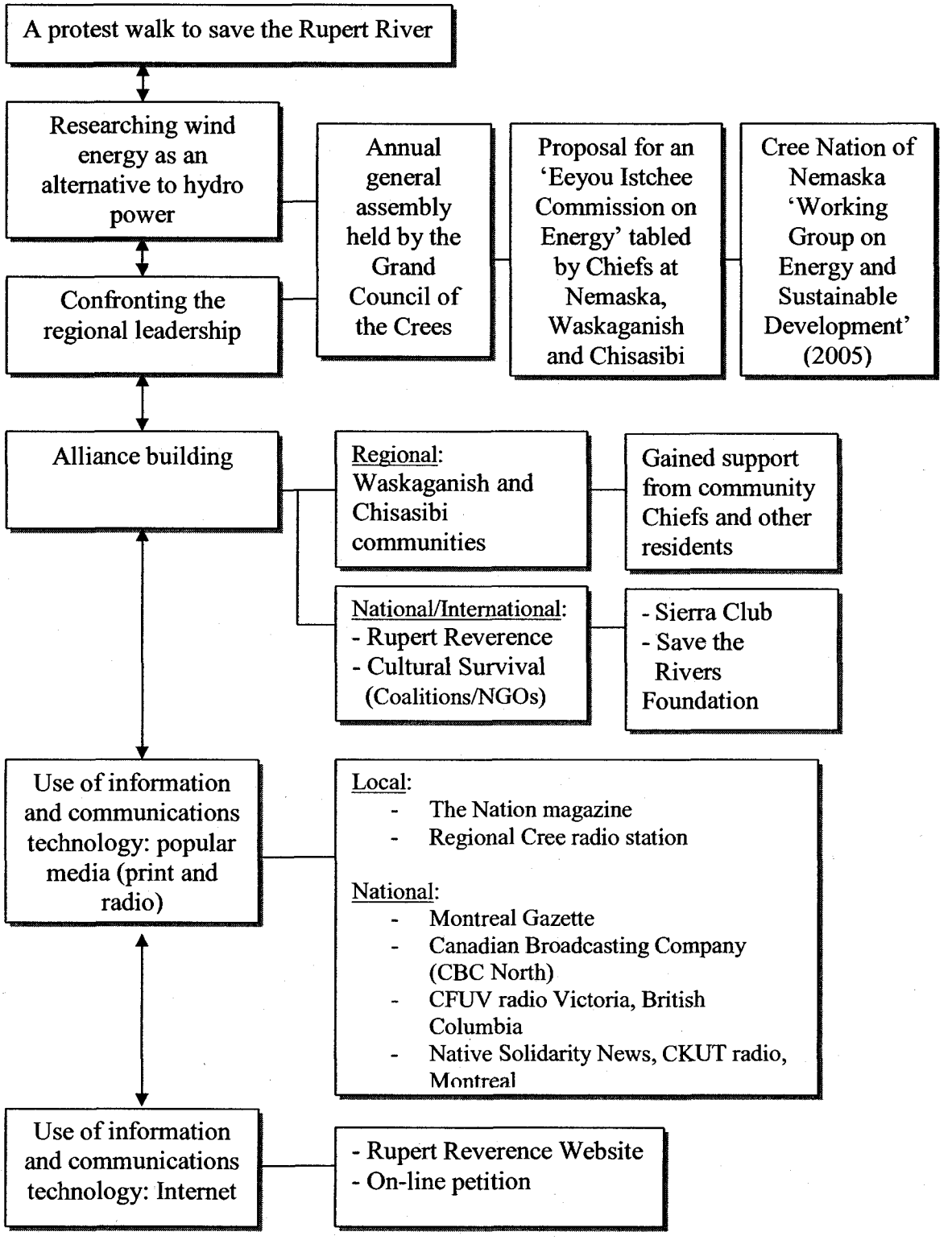
Chapter Six: A protest walk to save the Rupert River

This chapter focuses on a protest walk led by Cree tallyman Freddy Jolly aimed at generating regional support to save the Rupert River. It also examines efforts to engage in coalition building with other Cree communities as well as activists and environmental groups located outside the James Bay region; the use of information and communications technology; researching alternative modes of energy production; and efforts to confront the regional leadership at a general assembly (See Figure 6 below).

6.1: Prologue to the walk

One time in June 2004, five (5) members of the local opposition, including myself, gathered at my home in Nemaska to devise strategies to publicly challenge the EM-1/Rupert diversion project. This initiative was decided by two of its members: Freddy Jolly and Roger Orr. Freddy wanted to discuss a dream he had about leading a protest walk to Ottawa. He suggested that we mobilize a public protest outside Parliament building that would involve natives and non-natives as well as the media and environmental and human rights organizations. Although most of us agreed with Freddy's proposal, one member of the group argued that a protest walk was a 'soft' approach and would have minimal impact on the decision makers who sit on the Grand Council. This group member believed that a more powerful approach would be to confront the regional leadership and employ political tactics that would 'surprise' the Grand Council and startle the Cree public.

Figure 6: Chart: The protest walk



Freddy immediately contacted his lawyer in Montreal who then suggested that it would be strategic for him and other members of the local opposition to confront the regional leadership. Thus, he and Roger decided to arrange a protest walk from Nemaska to Wemindji, a coastal Cree community located at the mouth of the Maquatua River along the east coast of James Bay where a general assembly involving the Grand Council of the Cree was to be held. Other members of the group, including the Chief, chose to investigate wind energy as an alternative to the river diversion project and present their findings to the Grand Council at the general assembly. The latter forged alliances with Chiefs and local residents at Waskaganish and Chisasibi. Those involved in the protest walk, including myself, were not informed of other group members' intentions to devise a wind energy strategy. In fact, it was not until weeks after, at the general assembly, that some members of the local opposition became aware of this particular strategy. Although this experience may imply a split in the local opposition group, all of its members joined together to confront the regional leadership at the general assembly.

I offered to return to Montreal to draw media attention to Freddy's efforts to save the Rupert River. With the assistance of the Rupert Reverence Coalition (an environmental group composed of Crees and Jamesians), I contacted journalists about Freddy's story; a catchy phrase for the press release had to be found: "*Cree tallyman walks 456km to save the Rupert River*". "*David meets Goliath: Grand Chief Ted Moses wishes Freddy luck on his quest to save the Rupert River*" (See Appendix B). Through these efforts we managed to grab the attention of 20 media—in print and radio—including the Canadian Broadcasting Corporation (CBC); the Montreal Gazette; the Tataskweyak Cree Nation from Split Lake, Manitoba; and the Cultural Survival (a non-

profit indigenous rights organization based in Massachusetts, USA). A New Yorker who played an important role alongside the Cree in the failed Great Whale Project also enlisted to join Freddy on the protest walk. The Rupert Reverence Coalition's Web site provided information on the walk. We also enlisted the support of a former classmate at Concordia University, Montreal who established an on-line petition and an email address through which a number of people sent messages of support to Freddy's cause. Letters of objection and disapproval were also received, including one that made direct reference to the fact that the Cree Nation had already consented to the EM-1-A/Rupert diversion project in the 'New Relationship Agreement'. Nonetheless, plans to protest the river diversion project echoed the fact that many Crees were then and remain now deeply concerned about the potential devastating consequences of the proposed project on the natural environment and Cree communities.

After spending two (2) weeks in Montreal, I flew to Wemindji to join Freddy and members of the local opposition to partake in the last stretch of the journey. The following section outlines what the protest walk entailed.

6.2 A Cree tallyman walks to save the Rupert River

"People ask me if I still believe that we can win. I tell them that nobody owns the river. That includes the Chiefs that signed the agreement. It's by watching over the land that we can save the Rupert River and those who use it"- Freddy Jolly (2004)

On August 2, 2004, Freddy Jolly embarked upon a fourteen (14) day, 456-kilometer (km) protest walk to publicize his objection to the EM-1-A & Rupert Diversion Project. Freddy is well known for his outspoken character and often contentious views

about economic development and its human and environmental impacts in the James Bay region.

The following testimony explains how the idea of the protest walk came about:

Freddy's dream: A message to walk

During the winter, I was thinking about going to Ottawa to protest... I think it was in January, I had a dream. I saw myself in the dream talking to people. Everybody, different colour people, everybody in this world. And I was talking in English about [the] Rupert River and then, all of a sudden, French! It's just like I was perfect in French! And I saw myself, people asking questions saying it in French. Then a guy behind me, he said to me, "I like the way you explain about the Rupert River, about the rapids, the current and how it cleans the river". When I turned my head towards this person, it was the PM [prime minister], what's his name... Chrétien. And I woke up. Then during at times in the bush, I was thinking about my dream...

Then it hit me, and I said to myself, well, he's the PM, maybe I should go and walk from Nemaska to Ottawa and protest outside Parliament so the world will hear it. And then, I think in the summer, that's when I called my former lawyer... I told him about my dream and then he told me, "Freddy, you should start! The Grand Council is going to have a meeting in Wemindji. Start with your own people because the six [6] Chiefs signed and start from there and walk towards Wemindji"...

And then I was talking to my friend Roger Orr about it and Roger was very interested. And then, I don't know, I think it was in the summer, I don't know which month... when I was in the bush I could feel there was someone out there trying to talk to me. So I went out and then, it was dark towards north, I saw a white thing flying very close... It was just like a white bird flying from north to south... that's when I began to think it's time to go. So I went back and told Roger, "Roger, we have to get ready".

Some Crees have been very supportive of Freddy; over the years, many have witnessed his unremitting energy and resolve and his ability to sensitize people to the

importance of preserving bush life and the need to protect the land from the adverse impacts of large-scale industrial development. The editor of the Nation magazine expressed his appreciation of Freddy's willingness to fight for the land in the following terms: "I have to admire Jolly. He keeps coming back year after year trying to stop the degradation of his trapline. You can see it pains him to see anything happen to it and that the pain is very real" (Nicholls, 2004).

When I asked Freddy how the media responded to his walk, he replied that some were apathetic and others were supportive and encouraging. Certainly, the fact that the Rupert Diversion Project is a 'closed deal' may have lead some people to believe that Freddy's walk was a losing cause. Freddy summarized this perspective:

> "The media that called me, they said to me "Do you still have a chance to save the river, even if the chiefs signed". I told them this way, "I'm not alone". When I started walking from Nemaska, everything...it's just like the river was following me. And I began to *see* [and] *hear* everything that I'm standing up for, everything on the land, on the river, in the air, they were walking with me, and I wasn't alone. That's how blind they are. They only look at one person".

This sense of attachment to and belonging with all living and non-living elements of nature endows Freddy with the energy and the security to take up the cause. Freddy finds his strength in the land, the animals, the fish and the birds. But he also acknowledges that the scale of resource exploitation in James Bay is quickly transforming the landscape: "During those walks from Nemaska to Eastmain, I could hear the sound of nature; the sound [of] the small creeks. And then when I passed the Eastmain River to Wemindji, everything was dead because in 1975 they built dams and dikes".

Led by Freddy, the protesters arrived in Wemindji on day three (3) of the general assembly, and Freddy availed of the opportunity to speak freely to the panel of leaders and to the audience of Crees. His speech was also aired on the regional Cree radio station. The chiefs of Waskaganish, Nemaska and Chisasibi—the only chiefs that publicly opposed the EM-1-A/Rupert project—had also demonstrated their support to save the river. For instance, calling for a delay on the feasibility studies of the EM-1-A Project, Chief Robert Weistche of Waskaganish tabled a proposal (on behalf of the local resistance movement) for an Eeyou Istchee Commission on Energy. This included a resolution to explore alternative, environmentally sound sources of energy on James Bay territory (See Nicholls 2004) and has most recently led the community of Chisasibi, along with a Toronto-based company, to develop a framework to build a wind energy project that, if realized, would become Canada's largest wind farm (See Bonspiel 2004, 2006). A Cree Nation of Nemaska 'Working Group on Energy and Sustainable Development' (WGESD) has also been established; its members consisting primarily of those individuals that seek an alternative to the Rupert Diversion Project. In 2005, the Grand Council of the Crees rendered its decision to commit to and support the organization (See WGESD Website). Freddy attributes some credit for these initiatives to his walk:

> "They passed a resolution about wind power. I remember at the end I was talking to them about wind power. Like I said to them, we should stop [the] joint venture with Hydro-Quebec building dams. We should think about wind energy. And sure enough they started and now they're out there having meetings. And they go to Toronto and they go anywhere. And if I didn't do that walk, nobody would start talking about wind power".

Despite initiatives taken by the chiefs in seeking alternatives to the diversion of the Rupert River, Freddy has been critical of his leaders for not taking a more active (or even radical) stance on the Rupert River issue. Freddy has lamented: "They [Chiefs] didn't walk beside me when I reached Wemindji. I was waiting for them and I didn't see them".

Local involvement in the walk to save the river also fell short of Freddy's expectations. He expressed his discontent with the small number of active supporters in the following terms: "There are times I'm sad about my people because they're asleep, they're silent...". On a similar note, Roger Orr had the following comment on the poor turnout of supporters at Wemindji: "I remember when we got to the turn-off [road] to Wemindji. It was just the two of us and everything around us was still. I had a weird feeling and I turned to Freddy and asked him, "Do you get the feeling that it's just you and me on this Earth?" (personal communication, 2007).

An example of a similar strategy aimed at raising the profile of the Rupert political struggle is a public protest that took place on the Rupert River near Waskaganish that summer. The public demonstration that was organized by the Rupert Reverence Coalition was comprised mostly of environmentalists and concerned citizens from outside the community. A group of paddlers traveled down river into Rupert Bay and to the Waskaganish village. None from the community, except for the Chief, joined the protest group. Despite this, however, their efforts to protest against the planned diversion project did not go unacknowledged in view of some local residents. For example, an elder during an interview session stated that despite the project being well under way and the futility of further protests to save the river, the Chief's demonstration of his personal commitment to the river was important.

Chapter 7: Networking with Chisasibi Crees

During the course of my interview sessions with Freddy in 2004, I discovered that he relied on the experience of other Crees affected by earlier hydroelectric development to support many of his own concerns about the likely impacts of the EM-1-A/Rupert project. After sharing this observation with him, it was decided that it would be strategic for him to visit the Chisasibi community and gain a fuller appreciation of their position. I was invited to accompany him on the trip which had two main purposes: First, it was hoped that hearing the testimony of the Chisasibi Crees (a village devastated by the La Grande Project in the 1970s) would further legitimize Freddy's concerns about the likely impacts of the proposed project on his trapline. Second, given that the community will be affected by the proposed hydro project and that the regional leadership was locked into a position of support for the Rupert River project, the trip was an effort to build and strengthen alliances with the Chief and local residents. Thus, in the summer of 2005 we made a trip to Chisasibi to meet with local community members, during which I undertook a series of interviews with elders, trappers and tallymen to document their views and sentiments about earlier hydroelectric development in general and about the proposed EM-1-A/Rupert diversion project more specifically.

A selection of excerpts from interviews with local community members at Chisasibi are provided, which explain the legacy many Crees live with as a result of the impacts of the La Grande project on their lands and life.

7.1 Losing a river: impacts of the La Grande Project at Chisasibi

'Since time immemorial', the James Bay Cree have depended on rivers within their territories for fresh drinking water, as travel routes and as a focal point for their hunting and fishing activities. Some insight into the significance of 'the river' in relation to providing for the basic needs of the Cree people, as well as their culture and way of life, is provided by the following statement:

> "The river was the means of transportation, survival and way of life. Traveling was a great journey and we loved it, we did it every year from August to November and then by toboggan and snowshoe and we pulled our sled...The water was a source of life for the people, animals and birds. The rapids were powerful, healing, and medicinal to listen to...Just like a mother trying to put her baby to sleep, the rapids sing a lullaby" (Sally Matthews, elder, Chisasibi 2005).

The above quotation illustrates the Cree perspective that humans and nature are inextricably connected (see for example Feit 2004b) and describes the intimate relationship local people have with the rivers of James Bay. The significance of the river to the Crees is sacred; it is the lifeblood of their territories and of all that lives within them. Thus, the extent of industrial development of these watersheds in James Bay and the ensuing changes to these ecosystems has direct and long-term consequences for the health and well-being of local Cree communities.

The James Bay Project was planned and implemented in the absence of direct and meaningful involvement with the local Cree and subsequently produced irreversible effects on the natural environment and local communities (See Chapter 4). It entailed the construction of several dams and reservoirs on the La Grande River and the diversion of

the Eastmain and Caniapiscau Rivers into its watershed. Furthermore, it resulted in the flooding of 11 000 km^2 of forested land, it reduced prime feeding areas and wetland habitat and displaced migrating animals, birds and waterfowl. In addition, the creation of new reservoirs caused methyl-mercury contamination in lakes and rivers and severely affected the local fishery (Berkes 1988; Hornig 1999; Loney 1995; Whiteman 2004). Furthermore, infrastructure development such as roads and airports facilitated outsider intrusion into the territory which disrupted traditional Cree harvesting activities and contributed to social problems such as drug and alcohol abuse, family violence and suicide (Niezen 1993; Rosenberg et al. 1995; Whiteman 2004). Abraham Rupert, Chief of Chisasibi, commenting on the number of traplines in the Chisasibi territory that are now under water compared with the few, including his own family hunting territory, that remain, explained the daunting task involved in speaking with his grandchildren and helping them to understand why so many other children and their families have no trapline to hunt on (personal communication 2005). Robbie Matthews, an elder at Chisasibi, also expressed the sense of loss that he and his community experienced as a result of the changes to the La Grande River since his early childhood:

> "Growing up, I never thought that one day this river would completely disappear. We would always go there [La Grande River] every summer and we would always have the food that we need. We had everything. We were so rich in the meaning of the term. And now everything is lost, even the friendships we don't have that anymore... Sometimes I feel like with this life that we have to live that we're suffering so much all because we have lost something that was given to us free and now it's taken away from us. We've lost our language at the same time

and now our young children don't even know these places. And some of these places are very spiritual for us...The reason why we feel so depressed sometimes about the things that are happening, and no one seems to know the effects, everything that was given to us by the great spirit, the animals are affected also, the life of the animal is affected and also us human beings, our spirit inside is also affected...Sometimes when you want to go up the river you can't because it's too dangerous, because there are too many rocks that have not been there before...It's just like the residential school. You know how many young people we lost to alcohol and suicide? It has never happened before this development in our territory".

Robbie Matthews' wife, Sally, expressed similar sentiments of loss and impoverishment:

"They took away the rapids and took away our basic needs—our healing of calmness and health. Our source to hunt, fish and trap and all these historical teachings will never be the same. Now as I speak of this river I hear of other rivers that are going to be diverted. I wonder what will happen to those rivers. If they divert the river, we won't be able to understand and listen to the rapids, like my husband and I always do when we travel. My father always set up camp near the rapids because of its healing power...".

The above statements suggest that the impacts of the La Grande hydroelectric development project on the people at Chisasibi were substantial and are still felt today. Community members, particularly those whose hunting grounds are now under water, continue to experience a profound sense of loss with respect to environmental degradation caused by the La Grande hydroelectric project.

The personal stories of the Chisasibi Crees can inform Nemaska Crees' understanding of the nature and extent of the impacts of hydroelectric development in general, and to the potential impacts of the EM-1-A & Rupert diversion project more specifically. Consistent with this, a study by Levesque et al. (2004) on the transmission, circulation and diffusion of information pertaining to the EM-1-A/Rupert project reveals that because the Nemaska community was not directly affected by earlier hydro development, many local residents felt it necessary to communicate with members of other villages affected by the proposed project as well as by earlier hydro development to gain a better understanding of the nature and scope of hydro development on Cree territory.

Chapter 8: Nemaska Cree involvement in the impact study: the public consultation process

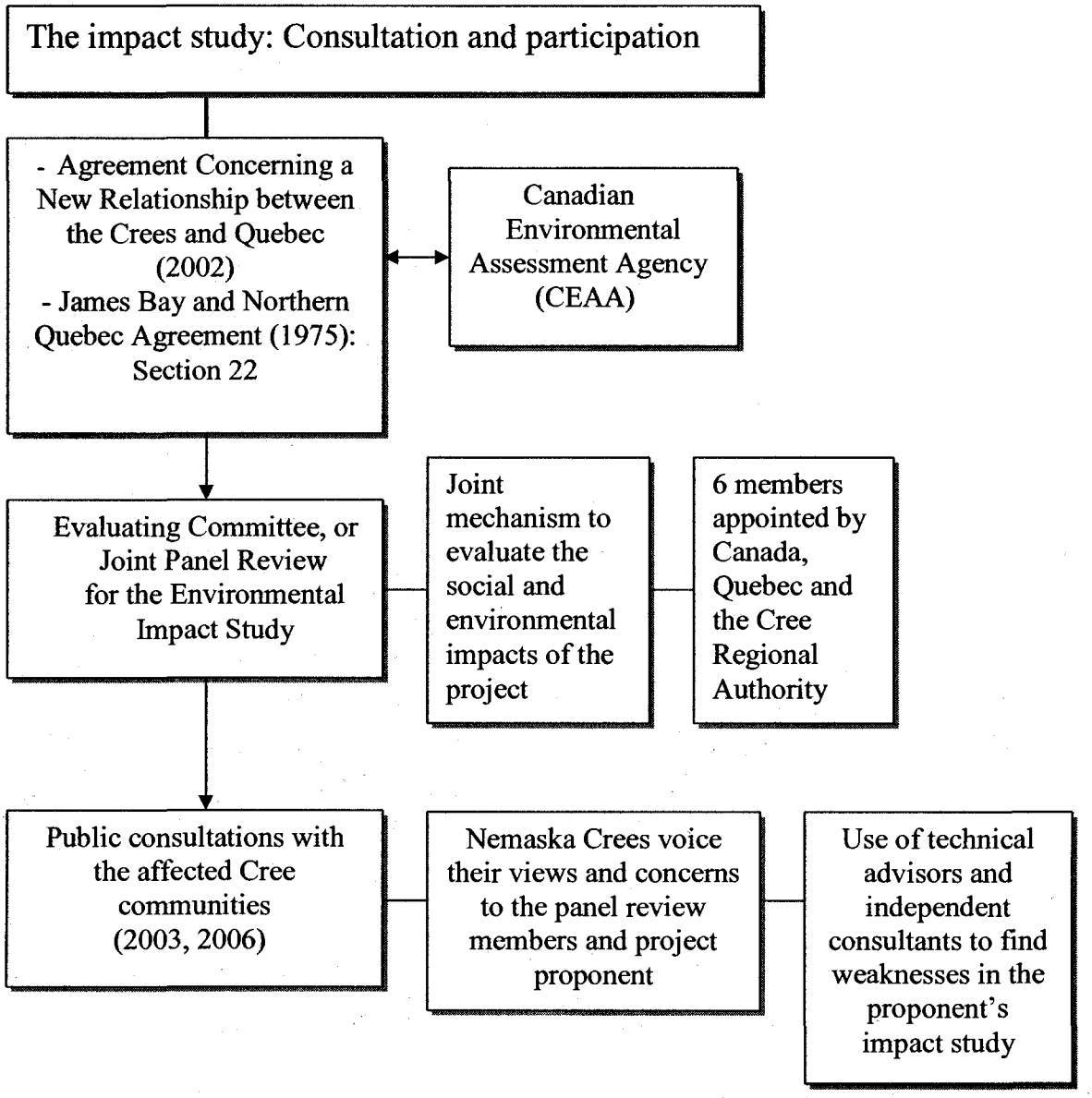
The first round of public hearings took place in 2003 in five (5) Cree communities and in Montreal. The final round of public consultations was held from March to June, 2006 in the Cree communities of Mistissini, Nemaska, Eastmain, Wemindji, Waskaganish and Chisasibi, as well as in Chibougamau and Montreal. The provincial administrator and the federal Minister of the Environment were expected to make their final decision in early 2007.

During the public hearings at Nemaska members of the affected communities availed of the opportunity to seek information about the proposed hydroelectric project and to share their views about the environmental impact study process with the panel members (See Figure 7). The following excerpt is from Freddy Jolly's formal presentation to the review panel in 2006. It offers a candid perspective of the emotional and psychological stress caused by the planned EM-1-A/Rupert diversion project and its likely impacts on the land and traditional way of life in Nemaska territory.

A tallyman speaks to the review panel:

All of you know who I am, I am Freddy Jolly, you know who I am. I am hunting on my trapline and I also fish. I trap. I am a hunter and a trapper when I am on my land. When the early discussions began concerning a New Relationship Agreement, my heart was not happy. I was not happy with what would happen to my trapline...
So, I will speak of my involvement, my concerns, what I think of the project and how I feel about the project and how it has already affected me. I have carried personally on my shoulders my well-being concerning what Hydro-Québec wants to do with the fish and the river being diverted and how it would affect my way of life on the land and how it will affect the land users. There will be major, R21 trapline, my family, you know, those that are using this land, there will be major impacts on us.

Figure 7: Chart: Public consultation process



And it is already now affecting us, all of us, our children. And we've lost some interest. We don't use the land like we used to because of the talks of the new project. And we hold on to what my father has told us about caring for the land. And my children remembering their grandfather think about what their grandfather had spoken of concerning the trapline...

Much of the environment will be destroyed. It's not just the impacts on Cree people but the impacts will also be felt by the non-native people who use the land for canoeing, fishing or camping. The people that go on canoe brigades, those people that travel the river for the summer, they come from the south, there will be many, many impacts, to many people, especially when we have many visitors from overseas who want to navigate these rivers during the summer or even those that want to come and fish, sport fishing on the river or even those hunters that come up, many will be affected by the change that will come to the land because if the project goes ahead, it won't be just the Cree people that will come to, you know, to Hydro-Québec to express their concerns on the effects of this project, even the non-natives will be affected and they will come to voice their concerns...

Will Canada allow Quebec to destroy this river? On July the 1st, on Canada Day, everybody sings "O Canada, our home and native land, God keep our land". Are you going to let them destroy this river? Do we really mean what we sing from our hearts when we sing our Canadian anthem? And I wonder, you that are the Commission, COMEX and Federal Review Panel, I wonder where you truly stand. And last night, I couldn't sleep because I was thinking about this very thing...

So, I want you, the Commission, to know and understand that there is a lot to be recognized. It's important for our people to be heard; my voice concerning my land and my survival on the land, where my trapline is near or on the Rupert River, that's where I was born and I still live off this land. That's why I need to voice my concerns and my voice will never cease to express these concerns. So, if in fact, the proposed project goes ahead then I will stop being a tallyman. I can no longer be on the land and I will not live like I used to live as a Cree hunter and trapper. I can no longer bring from my land food to feed the elders in the community because everything will have been destroyed from the land and the land will be destroyed, the animals will be destroyed and I feel like there is

no more future...This has already impacted me so much on my mind and my life, you know, throughout Christmas, I felt so much impact already, psychological impact. This is a serious impact. One of our elders, the spirit of our grandfather has spoken to me and he has told me that I carried a heavy heart but there is so much to live for still...

Freddy Jolly, Cree tallyman, speaks to the Review Committee (COMEV) at the public hearing held in Nemaska, March 22, 2006.

In the above statement, Freddy uses two strategies to gain support against the Rupert River project. In his statement about Canada's obligation to protect its rivers, Freddy calls upon the national pride of other Canadian citizens. He also appeals to those who use the river as a travel route and as a focal point for fishing and hunting activities to engage in political action against Hydro-Quebec and the proposed hydro project.

While the views and concerns of each resident at Nemaska often reflect deeply personal perspectives, a number of common themes emerged from both my research and the review proceedings held in Nemaska in March, 2006. These are discussed in more detail below.

8.1: Limited time frame

Interviews and informal discussions with residents at Nemaska about the environmental assessment process reveal that people felt pressured by the pace at which the environmental impact studies were being undertaken. In an agreement concerning the assessment of the project signed by the respective parties, the time frame for the assessment and review of the project was not to exceed twenty (20) months (Evaluating Committee 2003). During this period, local officials had to swiftly read a rather long and

complex document, consult local residents and then make an instructive assessment about the scope of the project. This proved to be a daunting task, as a member of the Nemaska Band explained during an interview: "It's difficult to sell something that the people have not been exposed to and lack an understanding of the situation. If I had not gone to school in the south, I would have no idea what to expect and how to make an informative decision".

Other residents agreed that the mandate to effectively consult with the Crees within such a short timeframe was a breach of public trust. The following statements made during the public hearings best describe the sense of frustration and unfairness with this situation:

> "The evaluating process has been accelerated, the same way that "Paix des Braves" [New Relationship Agreement] was accelerated. The consultation process with the people was so fast that the next thing you know it is already signed...So how can we have a fair environmental review when this is happening?" (COMEX, 2006).
>
> "I believe it's still not a fair process. There have been numerous deadlines imposed upon the Crees that don't make sense. Reports, questions have been un-answered. This month, we were expected to review a three thousand-page study, which is practically impossible" (COMEX, 2006).

The short time frame to study the impacts of such a massive project also undermined the consideration of traditional ecological knowledge (TEK) in the environmental assessment process. Traditional environmental and ecological knowledge comes from long observation, careful analysis and first-hand experience gathered by the Crees over

generations. Although the proponent was required to fully consider traditional knowledge in preparing the impact statement, there was widespread concern that gathering this type of data over such a short period of time would lead to serious oversights and substantial mistakes in the impact study. In an interview Freddy Jolly provided the following critique:

> "They should have used more of our own people, our elders, those that had lived on the land, those that know the land. And when I look back in the last three years, I still feel that Hydro-Quebec is confused and not sure as to how to respond to questions; it seems like they are surprised or uncertain. I recognize that three years of environmental studies is not enough to truly understand the future impacts on the environment into the people".

Lindy Moar stated similar concerns to the review panel:

> "I believe that the studies are insufficient, the time frame that they were done was too fast and the methodology that was used, I question the science behind it and because it was done too fast and also, how do you expect somebody to come in here into the territory that is foreign to this territory and do a study on a sturgeon, for example, and claim to be an expert of that species..." (COMEX, 2006).

8.2: The language of hydro science

The public consultation hearing was a lengthy and complex process that employed highly technical language and was dependent on scientific studies. Although Hydro-Quebec is expected to present the information to the Cree people "in the clearest language possible" (Evaluating Committee 2003:8), there continues to be a great deal of

confusion about the project and its environmental impacts. In an interview, Margaret Orr, an educator at Nemaska, commented upon the inconsistency of the environmental assessment process with the values and standards of the local Cree majority: "The meetings that I've been to so far, no one understands the language of Hydro-Quebec officials. No one is there to go into detail, or discuss the issue amongst each other or to compare their own traditional knowledge and information…".

At the public hearings, a number of Nemaska Crees commented extensively on the level of confusion and frustration felt by many with regards to the complexity of the information presented to them. Some have even testified to being against the project for reasons that there is just too much information and too little opportunity to understand the project in its entirety. For these reasons, and because many Crees felt that difficult questions could not be answered in just a matter of days, many questions were left unanswered and many questions went unasked. The following conveys a sense of this situation:

> "I want to ask the audience, members of the community and Crees that are present here, how many of them, how many of them have read these volumes of information that are here? How many have read all of them? I see only one hand going up, he must have spent a lot of time reading, going through that documentation. How many understand what's in this EIS [Environmental Impact Statement], this 5,000 pages of? I have to admit I don't understand all of it either" (COMEX, 2006).
>
> "What I wanted to point out quite specifically is what exactly is going to happen to these people's land once you decide to, you know, to fill up those reservoirs,

fill up those dams whatnot. Once it goes through, it doesn't come back, that's it, it's done. That's a hard truth and you have to accept that. There are many people here who don't understand what these experts are talking about because they don't know what it means, they don't know these parts per million or what is going to happen with this water contamination and if there was a way that you would actually make these people more aware and let them understand, they would trust you more, they might even let you do things that they wouldn't normally let you do" (COMEX, 2006).

8.3: Lack of trust

The above statement touches on the important issue of mistrust between the Cree communities and Hydro-Quebec. This stems from past experiences of Crees with the James Bay project as well as from a lack of confidence in the new project and in understanding the technical issues involved. In light of this, some Crees are questioning whether or not the impact study undertaken by the proponent is impartial while others ponder over the extent to which the proponent is indeed accountable to the Cree people. For instance, in an interview with a local community member, it was suggested that the Cree should have more control over the research and data collection process of the impact study:

"All the data that the biologist or specialist is gathering is objective scientific data, but the people who he is working for can take that and use it to their benefit. They will make some points seem weaker and others stronger for their benefit. That is why I constantly ask why we don't have our own specialist, our own people

collecting data, and our own opposition party so we can say that this is what we know and these are our facts"

Other local residents discussed the issue of mistrust in detail. Tallyman Gordon Wapachee and his wife Minnie expressed their concerns to the review panel:

> "Hydro-Québec has proposed mitigation measures for our trapline. Our family is satisfied with the proposed measures. However, there is a part of us that distrusts Hydro-Québec and those assigned to implement these mitigation measures, as we are rarely listened to but given lip service. We want to be involved to the fullest extent in all decision-making and implementation of these measures. We also feel that a written agreement should be provided to the tallymen so that Hydro-Quebec will not negate on its promises" (COMEX, 2006).

Notwithstanding the different perspectives on the environmental assessment process for the EM-1-A/Rupert project, a small number of Crees expressed concern over the lack of local initiative in responding to the challenges they face with Hydro-Quebec and the new project. Informal discussion and interviews with local residents reveal that proactive planning and collaborative work within the community would assist the Nemaska Crees in becoming better informed and prepared for the meetings with the proponent. For example, Margaret Orr stated that it was not necessary for local people to wait for the Grand Council of the Crees or Hydro-Quebec to hold meetings for the opportunity to voice their concerns. Instead, because a significant number of local residents are shy or anxious to speak openly about their personal sentiments, Nemaska people should band together before the onset of formal meetings to select a few community members to represent the concerns of the majority. In turn, this would give a stronger voice to the

community. According to her, "...That's how it's done in the south and that's how it was done before". Certainly, the public consultation hearings helped the community to learn more about itself in terms of how the Nemaska Crees act and work as a community with respect to the proposed project.

8.4: Concluding remarks

The above documentation demonstrates how a lack of trust and understanding as well as problems of communication marked the biggest challenges in the ongoing dialogue between the Crees and Hydro-Quebec. Furthermore, local Cree experiences with earlier hydroelectric development on Cree territory, namely, the La Grande Project formed the basis under which many local residents directly criticized the credibility of the proponent and the feasibility of the proposed hydroelectric expansion.

The review panel released its recommendations to the federal and provincial environmental administrators and the CEAA in December 2006 (CEAA 2006b). The majority of panel members declared the project to meet the necessary requirements[20]. Moreover, although panel members suggested that the likely environmental and social impacts 'will be numerous and widespread', it affirmed that impacts could be distinguished and effectively mitigated as long as the necessary conditions are put in place. According to them, the acceptance of the impacts of the EM-1-A/Rupert project is justifiable (COMEX 2006b).

Therefore, although the public consultation hearings presented the Nemaska Crees with an opportunity to speak in a public forum, the Review Panel's recommendations suggest that local community concerns were not effectively addressed. The Panel's decision also gives the impression that development is inevitable and that the purpose of

environmental impact assessment is to reduce impacts on the environment and human communities rather than stop development altogether.

Chapter 9: Discussion and conclusions

A historic new deal intended to forge a new relationship between the Crees and Quebec was announced in October 2001, known as the Agreement in Principle (AIP). Among other things, it introduced plans for the development and carrying out of the EM-1-A/Rupert diversion project. Following a series of community consultations, a referendum was held and the new deal was ratified in February, 2002. However, the proposed hydro expansion provoked a bitter debate within Cree communities and against the regional leadership. As a result, alliances among Cree communities were established and a resistance group was formed.

At Nemaska, members of the local opposition engaged in a host of political strategies to voice their opposition to the Rupert River diversion project. The merits and limitations of each strategy are discussed below.

9.1 A protest walk (Strategy #1)

The underlying rationale of the protest walk was to capture the hearts of the Cree people and to encourage them to challenge the Rupert diversion project. The walk galvanized support from several environmental groups and organizations outside of James Bay territory that subsequently threw their support and some resources behind local Cree initiatives to save the Rupert River. However, this strategy was less effective at generating regional level support. Given that the regional leadership for a variety of reasons took up a position of support for the project, it is possible that the protest walk to save the river was viewed by some Crees as a divisive approach to regional unity. Nonetheless, to effectively address the challenge of rallying local support, the local

opposition group might have focused its efforts on increasing education and awareness about the potential impacts of the project before initiating the protest walk. The wind energy initiative, for example, would have made a strong contribution to raising awareness about the potential for alternatives to the hydro project if it had been more open and accessible to the Cree public. This, in turn, might have also increased the visibility and credibility of the local opposition.

9.2 Confronting the regional leadership (Strategy #2)

Significant achievements were made at the annual general assembly of the Grand Council of the Crees in Wemindji. The Grand Council, led by then-Grand Chief Ted Moses, gave Freddy the opportunity to speak freely on live radio about his concerns over the likely impacts of the proposed project on the land and Cree communities as well as energy alternatives to the project. According to a Cree journalist on location at the assembly, it was a sign of respect shown by the Grand Council (See Nicholls 2004). Furthermore, efforts by the wind energy group materialized into producing a proposal for an 'Eeyou Istchee Commission on Energy', which was tabled by the Chiefs at Nemaska, Waskaganish and Chisasibi. The proposal included a resolution to research and promote alternative, environmentally sound sources of energy on James Bay territory. Thus, a key motivation behind this particular strategy was to exert political pressure on the regional leadership to promote more appropriate forms of development that are consistent with sustainable management and development objectives. The Grand Council of the Crees rendered a decision to commit to and support efforts undertaken by the Cree Nation of Nemaska 'Working Group on Energy and Sustainable Development' (WGESD) in 2005.

Furthermore, the fact that Chisasibi community is currently devising a framework to build a wind energy project is an indication of the accomplishments of their political activism.

9.3 Alliance building and researching wind energy (Strategies #3, #4 and #5)

The Nemaska Crees demonstrated the capacity to forge a grassroots network of individuals and organizations within and outside the Cree communities that worked to inform, organize and support each other. For example, some members of the local opposition joined forces with Chiefs and residents at Waskaganish and Chisasibi to research wind energy as an alternative to the Rupert diversion project. This initiative led to the establishment of the Cree Nation of Nemaska 'Working Group on Energy and Sustainable Development' (WGESD), with Chief Josy Jimiken as its president. Despite some success in raising the profile of the Rupert issue at a general assembly held by the Grand Council (see below), the strategy to promote wind energy was limited in its capacity to enlist local support within the community. Given that members of the wind energy group for a variety of reasons chose to maintain a low profile before the general assembly took place, most local residents were unaware of this particular strategy. The secrecy behind the wind energy initiative affected members of the local opposition as well. For instance, on numerous occasions Freddy Jolly expressed sentiments of disillusionment about having been left out of the meetings held by this particular group. Thus, although the wind energy initiative was a clear strategy at alliance building, ties between members of the local opposition at Nemaska were loosely knit. The situation expressed by Freddy may imply a split in the local opposition group.

The local resistance movement also established alliances with larger environmental groups outside the Cree territory. For example, Nemaska Crees' collaboration with Rupert Reverence Coalition was essential for initiating the protest walk to Wemindji. The fact that the organization boasts extensive experience in media relations was a major asset. However, a language barrier marked one of the biggest challenges to creating and maintaining alliance networks between the coalition group and Nemaska community. Because most of its members are French-speaking, the Rupert Reverence Coalition was limited in its capacity to communicate with the Cree public and enlist local support. Thus, the coalition group relied heavily on the collaboration of members of the local opposition to draw support from the Crees. On numerous occasions, I acted as liaison person between members of the coalition and local opposition groups in situations where, for example, information related to the Rupert River struggle was to be exchanged.

The Rupert Reverence Coalition was helpful in mobilizing other environmental groups into the Rupert River struggle. For example, Quebec movie star and co-founder of The Rivers Foundation, Roy Dupuis, visited Freddy Jolly's trapline on various occasions and committed his support. Other organizations like The Sierra Club of Canada and L'Action boréale Abitibi-Témiscamingue (L'ABAT) as well as various media are currently working with members of the local opposition. A Website was recently launched by the Nemaska, Waskaganish and Chisasibi communities (See Save The Rupert.Org). It brings together a host of groups and organizations from Canada, the United States and overseas to raise awareness about environmental protection. Freddy

acknowledges the significance of this: "People are emailing from all over [the world]. Like I said, let the spirit of the Rupert River flow. That's how it is, you spread the word".

Figure 8: Members of the local opposition at Nemaska, Rupert Reverence Coalition and The Rivers Foundation unite on Freddy Jolly's trapline

9.4 Information and communications technology (Strategy #6)

The use of information and communications technology was an indispensable tool for mobilizing the political struggle over the Rupert River project. At the local level, public announcements of the protest walk were broadcast on regional radio and published in the Nation magazine. This served to inform the nine (9) Cree communities and encourage the exchange of ideas on the Rupert issue as well as to rally local support. The use of Internet and Email was useful in establishing a connection with other native groups facing the negative impacts of external development on their lands. In particular, it served

to inform other local communities about tactics of protest and resistance employed by Nemaska Crees. For example, we received an email from the Tataskweyak Cree Nation in Split Lake Manitoba, a community that is currently debating its involvement in a hydro dam project. The community is seeking to join forces with the Nemaska Crees (and other native and non-native groups and organizations) to create a larger force of resistance against hydroelectric projects and other types of industrial development that pose substantial environmental risks and challenges.

9.5 The public consultation process (Strategies #7 and #8)

The public hearings for the environmental assessment of the EM-1-A/Rupert project served as an important mechanism through which members of the local opposition at Nemaska could voice their concerns about the proposed development project. A weakness of this particular strategy, however, lies in the official channels available for Nemaska to articulate its position on the Rupert issue; namely, the Cree Regional Authority (CRA) and governments of Canada and Quebec. For example, the Review Panel's recommendations to the federal Minister of the Environment took little account of the concerns expressed by the Nemaska community. This experience confirms the necessity for local communities to avail of other opportunities for protest and resistance.

Another strategy used by the local opposition group was to hire technical advisors and independent consultants to conduct internal studies on the environmental impact study. For example, Nemaska, Waskaganish and Chisasibi communities solicited the help of the Helios Centre (a non-profit research group that provides independent expertise on

energy issues) to review and comment on the justification presented by Hydro-Quebec for the Rupert project. The impetus behind this approach was to find weaknesses in the proponent's technical studies. Indeed, its report to the Federal Review Panel concluded that the project could not be justified on grounds of Quebec's future energy and security needs (Helios Centre 2006). Although this strategy was effective in challenging the proponent's findings as well as in giving credibility to local concerns about the project, its weakness lies in its reliance on government decision makers that plan to accelerate the pace of hydroelectric development within the next decade (See Quebec Energy Strategy Website).

In conclusion, the results of my research indicate that the Nemaska Crees are willing and capable of engaging in political action to voice their opposition to the EM-1-A/Rupert diversion project. Opportunities to employ action strategies against the proposed project were created through the use of a wide range of mechanisms available to them. Although Hydro-Quebec's planned diversion project has recently been approved by Quebec and Canada (See for example CBC 2007), Nemaska Cree political strategies of resistance can provide a useful backdrop for future local opposition to ecological crises caused by large-scale industrial development in the region. Thus, contributions made by the local resistance groups can help other Cree communities better frame their political struggles. The implications of these findings are significant, given the level of interest the region holds for large scale industrial development, including the possibility of an additional hydro-electric project on the Great Whale River (See GCC 2007; Le Devoir 2007). Indeed a recent telephone conversation with Freddy Jolly informed me that the

Chief of Great Whale (Whapmagoostui) is seeking to establish new alliances with the Nemaska local resistance group in relation to uncertainties associated with plans to develop the Great Whale River. The Chief has invited Freddy and the network of individuals and organizations engaged in saving the Rupert River (including myself) to visit the community and speak with local residents about prospects for local involvement in both the development and implementation of resistance strategies.

Epilogue: Why did the local resistance movement fail?

Drawing parallels with the success of the Cree campaign against the Great Whale project in the 1990s (see Chapter 2), the Crees were disunited on the Rupert River issue. The fact that Crees were divided on the decision leading up the New Agreement had the affect of immobilizing the communities with respect to the EM-1-A/Rupert project. Moreover, given that the Cree regional leadership for a variety of reasons took up a position of support for the project, local opposition to the proposed hydro expansion failed to find a foothold at the regional level and became a source of political tension and discord between regional and some local Cree entities.

Within this framework of disunity, two (2) factors help explain why the local opposition group failed to stop the Rupert diversion project. The first reason relates to the ambivalent position of many community members with regards to the Rupert River issue. The second reason concerns a lack of social capital in the Cree communities.

Reason #1: Ambivalence

Freddy Jolly expressed his discontent with the poor turnout of supporters for the protest walk to Wemindji by stating that Nemaska Crees are "asleep" and "silent". My interpretation, however, is that a significant number of local residents are ambivalent about the EM-1-A/Rupert project because they feel torn between losing the Rupert River versus the social and economic benefits of economic development. For example, many community members who supported the proposed hydro project acknowledged the significance of the cultural loss but given the tremendous need for the benefits they felt the loss was an acceptable sacrifice. This ambivalence was compounded by the level of

confusion and controversy within the affected communities about the implications of diverting the Rupert River and further explains why many local residents decided not to be actively engaged in the Rupert River struggle. A general sense that the signing of the New Agreement rendered the project 'a done deal' and reduced the environmental review process to a meaningless bureaucratic exercise also contributed to local disengagement. These factors contributed to local ambivalence and explain the difficulty the local opposition group faced in their efforts to generate local and regional support to challenge the Rupert diversion project.

Reason #2: A lack of social capital in the Cree communities

The limited level of local involvement in the effort to save the Rupert River indicates a lack of social capital and social cohesion in the communities. Social capital is defined as "the norms and networks that enable people to act collectively", in which bonding, bridging and linking social capital are its main features (Woolcock and Narayan 2000: 226). With regards to bonding social capital (intra-community ties), some strategies were less effective in fostering the development of a collaborative network between members of the local opposition and Cree communities. For example, the secrecy behind the wind energy initiative appears to have created a stigma that generated sentiments of distrust within the opposition group (thus implying that ties between its members were loosely knit). At the same time, the larger Cree public was, for the most part, unaware of this particular strategy. The fact that the Nemaska Nation 'Working Group on Energy and Sustainable Development' (WGESD) is not open to membership also demonstrates the closed-door nature of the group. Likewise, the protest walk

initiative failed to generate local and regional support because it did not take into consideration the ambivalent position of many community members. The local opposition could have addressed this issue by working with community members to organize environmental awareness campaigns and/or workshops that would aid in capacity building efforts for the local Cree. This, in turn, would have increased the quantity of bonding social capital in the communities.

Bridging social capital (extra-community networks) occurred between members of the local resistance and the network of individuals and organizations located outside the Cree communities. However, the organizational capacity of the opposition to bridge relationships was limited by various factors including time and financial constraints as well as a language barrier with individual activists and environmental groups that are predominantly French-speaking. Furthermore, given the locus of the conflict in a remote part of northern Quebec, it was difficult to bridge relationships across long distances. For example, with the exception of one individual activist from New York State, opponents of the Rupert project located outside the James Bay region could not join the Cree opposition in the protest walk. The use of information and communications technology (ICTs) certainly functioned to bridge social capital in this context but the substitution of a 'physical' relationship with a 'virtual' one involves considerable losses in quality.

Finally, the resistance movement was unable to establish trusting, collaborative relations with formal power institutions (linking social capital). The fact that a majority of Crees had consented to the Rupert River project (via public referendum for the New Agreement) provided a strong basis for the leadership to brush aside the concerns of the local opposition. Indeed the Grand Council of the Crees had, for the most part, failed to

formally acknowledge the local resistance movement. The absence of respectful ties between the local grassroots and Cree leadership is not a new phenomenon. In 1997, for instance, Freddy Jolly (with the support of other Cree tallymen) sought to establish a 'Cree Tallymen Advisory Group for the Environment'; an association of tallymen that would speak to the Grand Council of the Crees, the Cree Trappers' Association, the federal and provincial governments as well as within the local Band Councils. A key motivation behind this initiative was to recognize the responsibility and authority of the tallymen within the Cree political system. Freddy took the proposal to the local and regional councils, but again without regional level support this initiative amounted to nothing.

The local opposition was also incapable of building a trusting relationship with members of the review panel for the public hearings on the proposed hydro project. The fact that the governments of Quebec and Canada acted as the official channels available for the opposition to articulate its position on the project contributed to a general sense of disempowerment among its members and the local community. This, in turn, may have generated a sense of fatalism about the Rupert River project.

As such, social capital (or lack thereof) was instrumental in shaping the degree to which the Nemaska community participated in the struggle against the EM-1-A/Rupert project.

End Notes

[1] Nemaska (Cree translation for *Where the fish abound)* is the smallest Cree community located on the shores of Champion Lake, northern Quebec, Canada. It has a total population of 560 people according to the 2001 Canada census (www.Nemaska.com).

[2] The term aboriginal will be used in a Canadian context and the term indigenous will be used in an international context.

[3] In Waskaganish, 8 of 34 traplines will be affected by the reduced flow in the Rupert River. At Chisasibi, 6 traplines that located close to the Robert-Bourassa and La Grande-1 reservoirs and La Grande River will be affected by the flow increases (Cited in Hydro-Quebec 2004).

[4] Freddy is recognized for his in-depth knowledge of the land and Cree traditional practices as well as his resistance to large-scale externally-driven economic development on Nemaska territory. He was voted 'most outstanding tallyman' in James Bay in the Nation magazine (a bi-weekly news magazine distributed to all 9 communities) for his efforts to protect the land and Cree traditional practices against large-scale economic development in the territory (The Nation, 1997 Cited in Whiteman 1999:35).

[5] The Cree tallyman is responsible for sharing the land and its resources with community members (Cited in Whiteman and Cooper 2000).

[6] This is the historical framework that most Crees provide, although archaeological evidence suggests that the earliest human occupation in that area extends back 5000 years after the last ice sheet retreated (Feit 2004a; Morantz 2002).

[7] The mean drop in water level will be around 1.5 meters. In areas not affected by hydraulic structures (weirs), flow velocity will be reduced 30-50% and surface width will be reduced between 0 and 20% depending on the location. In areas affected by hydraulic structures, mean flow velocity will be reduced by half, and mean depth and average surface width will remain more or less the same (Cited in Hydro-Quebec, 2004:11-51).

[8] A portion of Freddy's trapline will be affected by the creation of the diversion bays. In the Rupert tailbay, the rapid flow in a number of areas will obstruct the formation of an ice cover. These patches of open water will generate large quantities of frazil, which will accumulate farther downstream and cause the tailbay level to rise in winter. This will result in poor snowmobiling conditions in some areas (Cited in SEBJ, 2005).

[9] The hydraulic structures and instream flow will ensure that the Rupert River remains navigable from the Rupert dam down to the estuary. However, users will have to adapt to new navigation conditions along sections not affected by hydraulic structures. For example, in July, August and September, the lower levels will change landing sites and could make navigation more difficult in areas that are now shallow. With regards to Freddy, there is a stretch on his trapline (KM 281 and 290) that may be hard to navigate because the water is shallow (Cited in SEBJ, 2005).

[10] In the Rupert diversion bays, the water temperature in spring and fall will be about 1°C to 2°C lower than in the Rupert River under present conditions. In the summer, however, the water temperature will remain much the same as that in the river. In the Rupert River, the water temperature immediately below the Rupert dam will be about 1°C lower in spring and 0.3°C lower in summer and fall. Downstream of the instream flow release structures on the Lemare and Nemiscau rivers, the water will be cooler by 2°C in the spring and 1°C in fall. These differences will diminish in the lower reaches of all three rivers (Cited in SEBJ, 2005).

[11] Overall, the water quality in the sections affected by the project will be satisfactory for supporting aquatic life and will not pose any constraints to the various users of the river, according to government guidelines and protection criteria. However, the modification could lead some users in other villages to change their water supply source. In Waskaganish, a new treatment plant will be built to maintain the quality of the drinking water (Cited in SEBJ, 2005).

[12] Personal communication with Freddy Jolly following a series of meetings with the Cree tallymen in Val D'Or, Quebec on September 14-15-16, 2006. According to Freddy, many tallymen raised their concerns about increasing death count of the sturgeon fish in the remaining stretch of the Eastmain River after impoundment of the Eastmain-1 reservoir.

[13] Various measures will be implemented to ensure that fish population and species distribution are significantly maintained in the Rupert River. Lost spawning areas will be replaced, multispecies spawning grounds will be developed, potential habitat for brook trout will be enhanced on some Rupert River tributaries, and sturgeon will be stocked between KM 110 and 170 of the Rupert. However, lower water levels will mean that users will have to find new fishing sites in Rupert River stretches not controlled by hydraulic structures, and will have to adhere to some additional restrictions on consumption of fish caught in the Lemare and Nemiscau rivers (Cited in SEBJ, 2005).

[14] In the Rupert River below the dam, the maximum mercury levels in the fish will remain comparable to the average concentrations recorded in natural lakes and so the current guidelines on adult consumption will still apply. As fish mercury will increase in the Rupert forebay and tailbay, stricter consumption guidelines will be issued for fish caught in the diversion bays. The consumption restrictions will remain in effect for up to 13 years, depending on the species affected.

[15] Mitigation measures will be to improve access to alternative lakes to maintain possibilities for fish consumption, using the Eastmain-1-A/Rupert Mercury Fund (Cited in SEBJ, 2005).

[16] During the first years after the diversion, the sections of the river where water levels will not be maintained by hydraulic structures will be less suitable for trapping beaver, depending on how wide an area of shoreline is exposed. In the medium term, the development of new riparian habitats should help beaver become established on a number of stretches of the river. Nonetheless, conditions will remain favourable for trapping other small wildlife species, which will benefit from the extended wetlands resulting from the reduced flow (Cited in SEBJ, 2005).

[17] During the construction phase woodland caribou will likely move away from the cleared areas. Furthermore, the creation of diversion bays near the north-east portion of Freddy's trapline will eliminate 95km^2 of high-potential winter habitat. But there will be a 5km strip around the diversion bay, which will provide good habitat for the caribou (Cited in Hydro-Quebec, 2004).

[18] In early 2002, 55% of Cree voters turned out for the referendum, and 70% voted in favour of the New Agreement (Cited in Feit 2004a:124). Chisasibi was one of the 9 Cree communities that voted against the New Agreement (Cited in Statement by the Chiefs of the Cree Nations of Nemaska, Chisasibi and Waskaganish 2006).

[19] See 'One More River: The deal that split the Cree' by Rezolution Pictures (directed by Neil Diamond and Tracey Deer).

[20] The panel members reviewed each feature of the project in accordance with the Canadian Environmental Assessment Act and in conformity with the Agreement Concerning the Environmental Assessments of the Eastmain-1-A and Rupert Diversion Project (Cited in CEAA 2006b).

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Appendix A: List of informants

Nemaska

Name	Personal information	Year of interview
1. Freddy Jolly	Tallyman	2004, 2005
2. Thomas Jolly	Economic Development Agent, Band Office	2004
3. Margaret Orr	Teacher, Luke Mettaweskum School	2004
4. Roger Orr	Social service worker	(telephone conversation) 2007
5. Jeremy Diamond	Cree Regional Authority head office (youth)	2004
6. Kenneth Tanoush	Radio station producer/announcer (youth)	2004
7. Walter Jolly	Tallyman	(informal conversation) 2004
8. Luke Tent	Tallyman	(informal conversation) 2004

Waskaganish

Name	Personal information	Year of interview
9. Dondus Hester	Tallyman	2005
10. Alec Katapatuk	Tallyman	2005
11. Johnny Weistche	Elder (resides in the bush)	2005
12. Climey Weistche	Elder (resides in the bush)	2005
13. Billie Stephens	Elders' Council (resides in the community)	2005
14. Byron Jones	Student (youth)	2005
15. Cathy Stephens	Student (youth)	2005 (informal conversation)
16. Robert Weistche	Chief	2005
17. Thomas Hester	Translator/Cree/Hydro-Quebec Feasibility Study Group	2005

Chisasibi

Name	Personal information	Year of interview
18. Robbie Matthews	Elder (resides in the community)	2005
19. Sally Matthews	Elder (resides in the community)	2005
20. Joseph Pepabano	Elder (resides in the community)	2005
21. David Bearskin	Elder (resides in the community)	2005
22. Helen Bearskin	Elder (resides in the community)	2005
23. Samuel Cox	Tallyman	2005
24. Abraham Rupert	Chief	(informal conversation) 2005
25. Edward Tapiatic	Translator	2005

Appendix B: Press Releases

PRESS RELEASE #1 **2004-08-02**

A Cree trapper walks 456km to save the Rupert River

Freddy Jolly, leading a group of Cree people, will embark on a 14-day long walk on August 2rd, 2004, from Nemaska in aims of raising awareness and to mobilize people in order to liberate the second untouched river, the mighty Rupert, from the claws of Hydro-Quebec and its private partners.

Those who are walking with Freddy Jolly, a Cree trapper from Nemaska, 300km north of Chibougamau, will travel to the final destination of Wemindji on Tuesday, August 17, where a general assembly is to be held by the Grand Council of the Cree. The walk will begin on the Route du Nord, then onto the James Bay highway, and finally to the access route to the Cree community of Wemindji, located on the riverbank of James Bay.

The «Paix des Braves» generates greater opposition

The James Bay Cree have not ceased to voice their grievance to the EM-1-A & Rupert Diversion Project, the focal point of the controversial agreement names «Paix des Braves» signed between the Cree and Quebec in February, 2002.

The inherent ancestral territory of the Jolly family spreads in the vicinity of the Rupert River at a length of 25km, to and from the bridge of the Route du Nord, at km 238. According to Mr. Jolly, this river that has nourished, transported and charmed generations of Cree, as well as thousands of North Americans, is now on the verge of devastation due to the proposed hydro-electric development. Mr. Jolly offers his legs and his voice reiterating his demand with intentions to shed light to the necessity of sustainable measures for future energy development; to preserve the cultural identity of the Cree Nation; and to ensure that the future generations are able to seek employment that harmonizes with their surrounding environment.

Those who walk will undoubtedly notice the potential for wind power throughout the James Bay region, a potential capable of generating 20 times the total amount of electricity presently produced throughout the province of Quebec.

E-petition:
For more information on the walk or to contact Mr. Freddy Jolly:
Miriam Atkinson
High quality pictures of Rupert and Eastmain Rivers:
Norman Blouin, photojournalist Tel.: (514) 286-0064 cell: (514) 867-5003

PRESS RELEASE #2

2004-08-12

Crossroads: Grand Chief Ted Moses met him along the way
Jolly dashes to Wemindji at an Olympic pace

Despite a blister on his toes and a swollen heel, Mr. Jolly walks wholeheartedly and with speed. "Last Thursday, we walked 53km, which took us 11 hours" he exclaims. "And a lot people stop on the highway to show their support".

Mr. Jolly has been walking since Tuesday, August 2nd, a journey set forth to raise awareness and to mobilize all those who support the last untouched river accessible by road in James Bay, the mighty Rupert, from the EM-1 and EM-1-A development project by Hydro-Quebec and its partners.

Out of 456km, 266km have been walked in 9 days. As he nears the final 90km to Wemindji, Mr. Jolly will slow down to allow the elders who wish to walk the last stretch. It is also on this road that other supporters will join the team. David Hasseg, a New Yorker who played an important role alongside the Cree Nation during the failed Great Whale project in the early 1990's admits to being moved by Freddy's courage. The walkers will arrive just on time for the important consultation held by the Grand Council of the Crees in Wemindji on August 17th to 19th, 2004.

David and Goliath shake hands...

Surprisingly, the walkers met with Grand Chief Ted Moses, who was traveling to the 30th anniversary of the Grand Council of the Crees in Eastmain. The Moses family took the time to greet Mr. Jolly, while the Grand Chief had the following words to say: "The only thing I can tell you is good luck!" To say any more would have been too risky for the Grand Chief who, by signing the «Paix des Braves» in 2002, had signed an oath to never publicly oppose the hydro-electric project, which implies the diversion of the Rupert River in exchange for a sum of $3.5 billion over the next 50 year period.

Mr. Jolly hopes that will begin to wake up before it is too late. "People ask me if I still believe that we can win. I tell them that nobody owns the river. That includes the Chiefs that signed the agreement. It is by watching over the land that we can save the Rupert River and those who use it".

Meanwhile, people of all nations (including the United Kingdom, Italy and Sweden) are showing their support by signing the on-line petition, a confirmation that the Rupert River is reputed worldwide.

E-petition:
For more information on the walk or to contact Mr. Freddy Jolly:
Miriam Atkinson
High quality pictures of Rupert and Eastmain Rivers:
Norman Blouin, photojournalist Tel.: (514) 286-0064 cell: (514) 867-5003

Appendix C: Photographs

Photo #1: Nemaska (Source: www.nemaska.com).

Photo #2: Freddy finds a bear den, March 2005 (Photo taken by researcher).

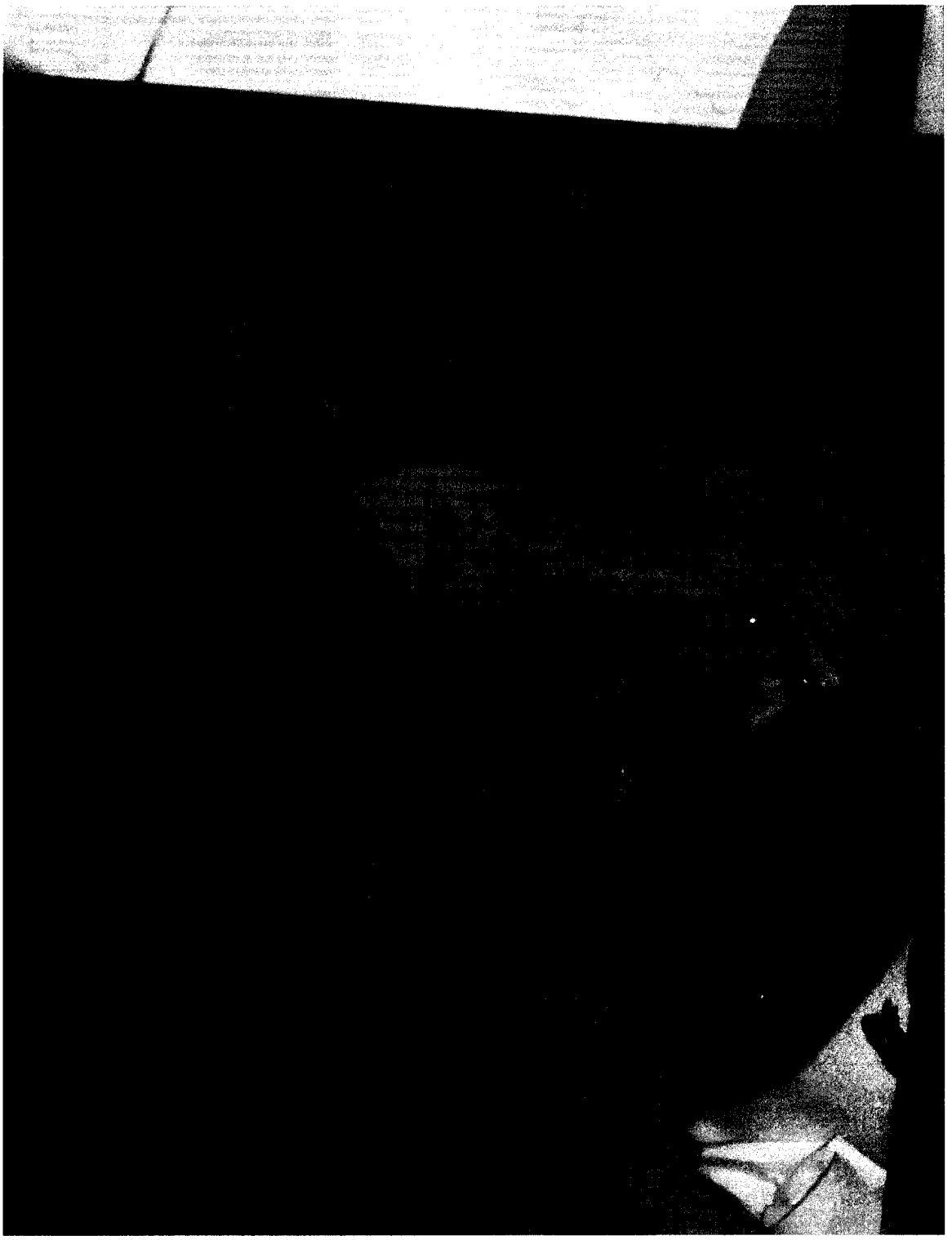

Photo #3: Elder preparing bear meat, March 2005 (Photo taken by researcher).

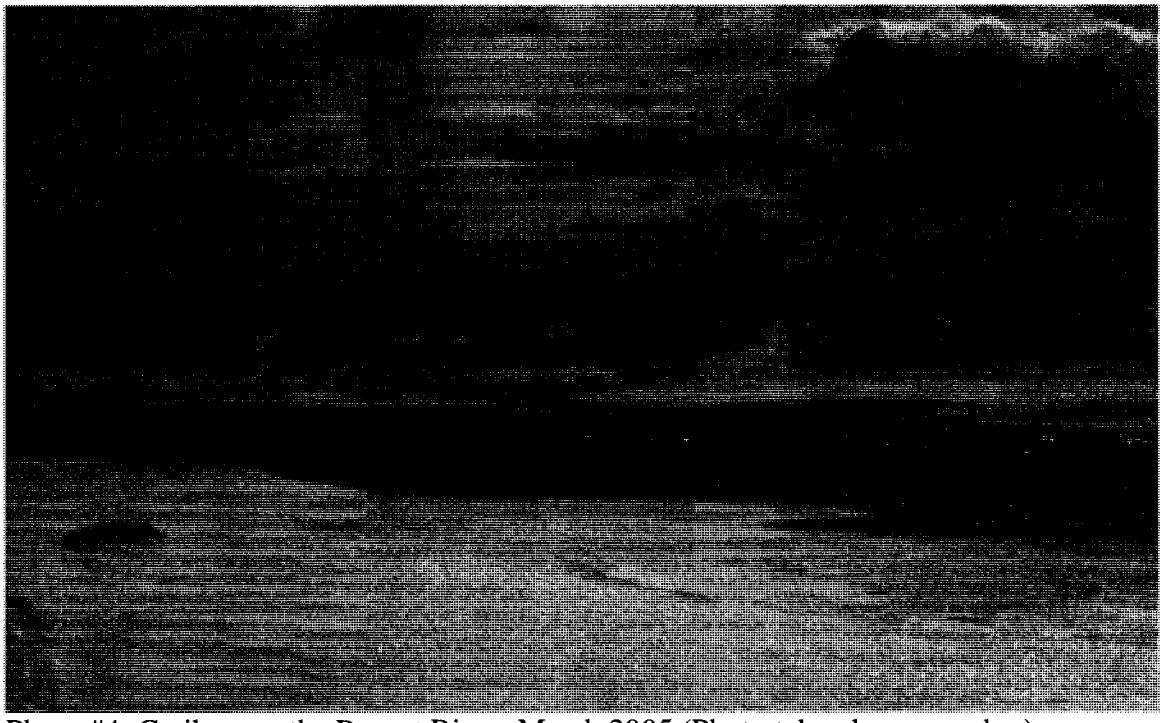

Photo #4: Caribou on the Rupert River, March 2005 (Photo taken by researcher)

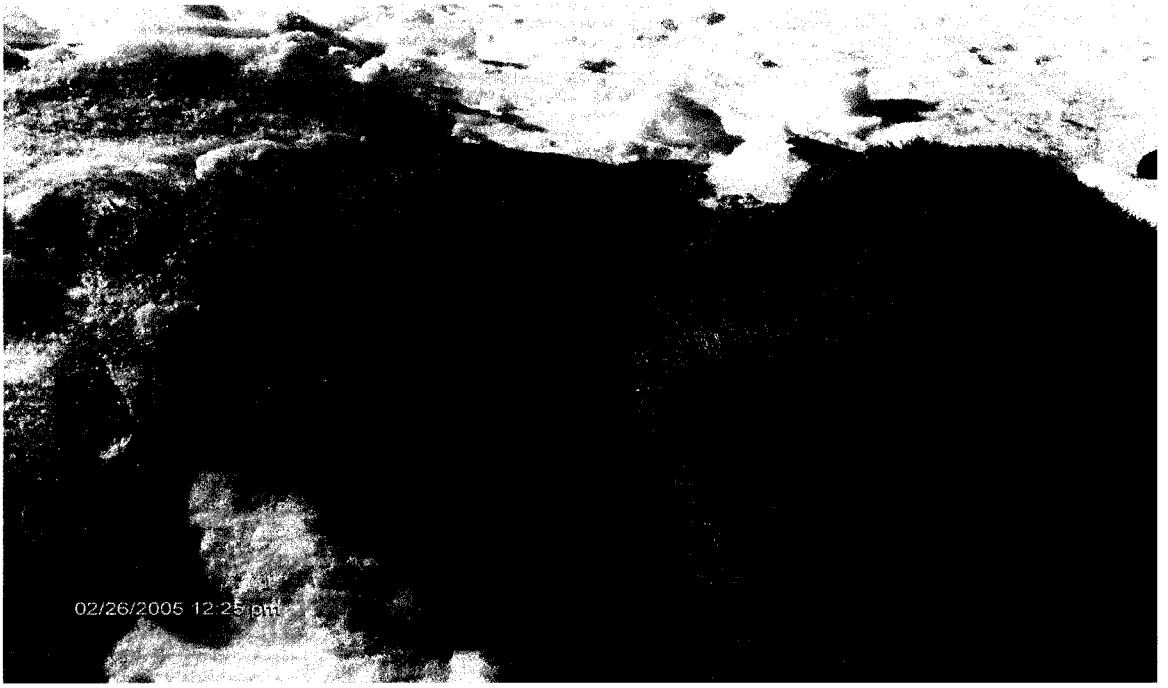

Photo #5: Beaver trapping, February 2005 (Photo taken by researcher)

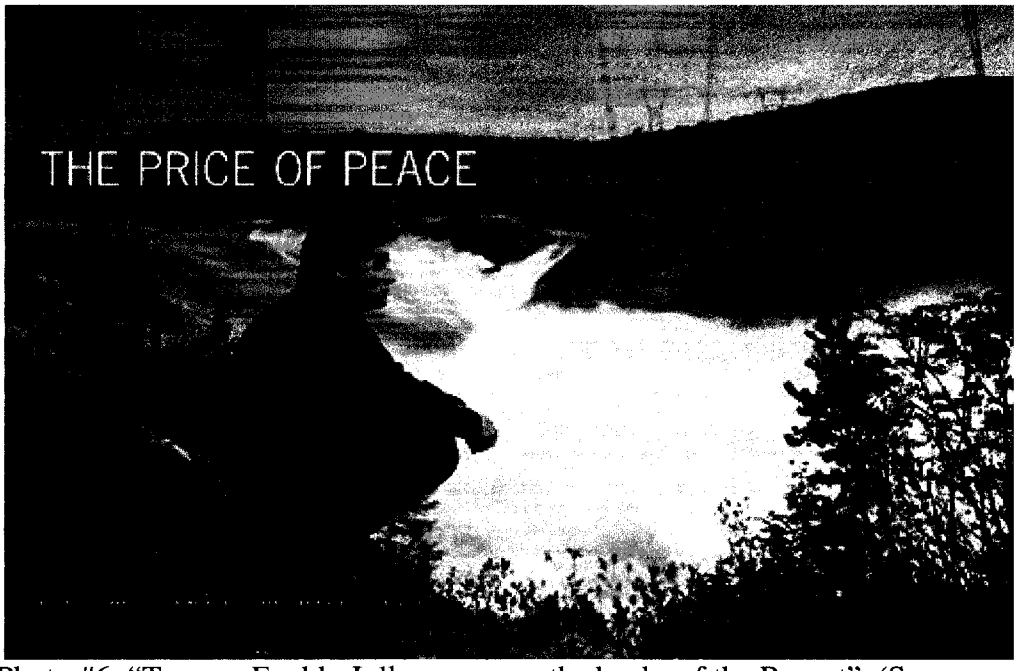

Photo #6: "Trapper Freddy Jolly muses on the banks of the Rupert". (Source: Canadian Geographic. November/December issue, 2005:66-7 (www.canadiangeographic.ca)

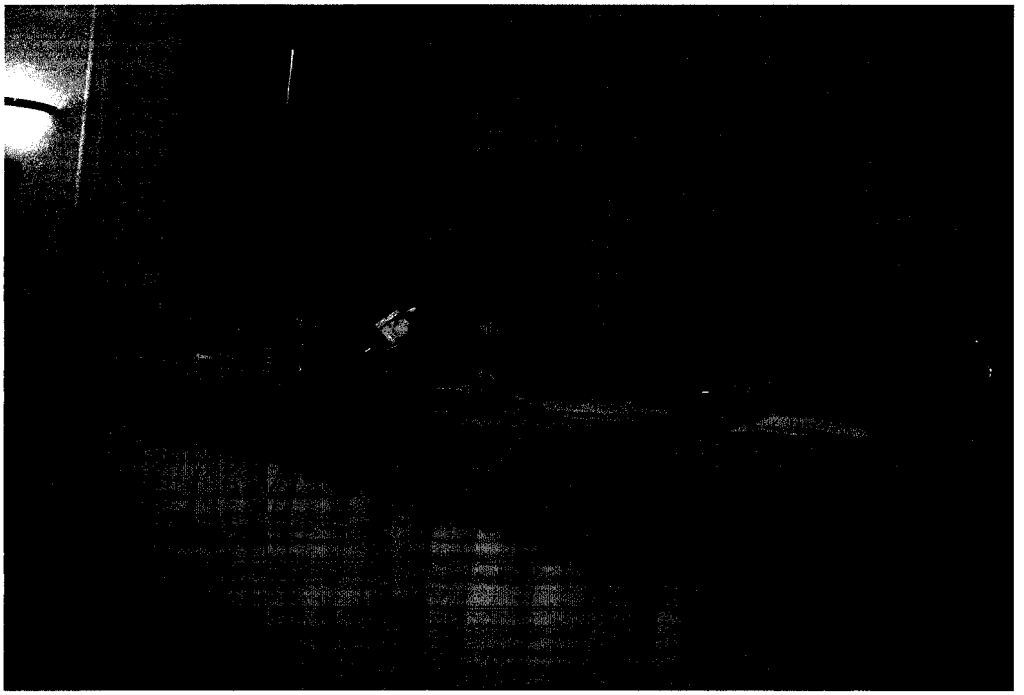

Photo #7: Press conference held by The Rivers Foundation, Sierra Club and Rupert Reverence Coalition and guest Chief Abraham Rupert (Chisasibi) held in Montreal, January 11, 2007. (Photo taken by researcher).

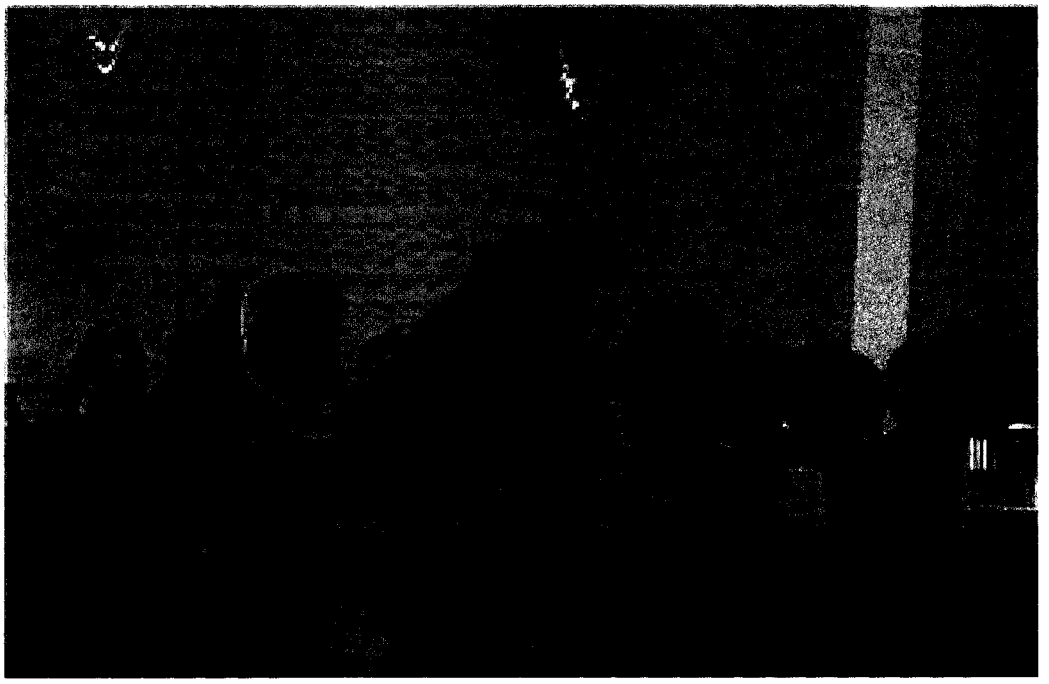

Photo #8: Chief Robert Weischte speaks to the Review Panel at the public hearings for the EM-1-A/Rupert Diversion Project held in Montreal, June 2003 (Photo courtesy of Ouana Radu).

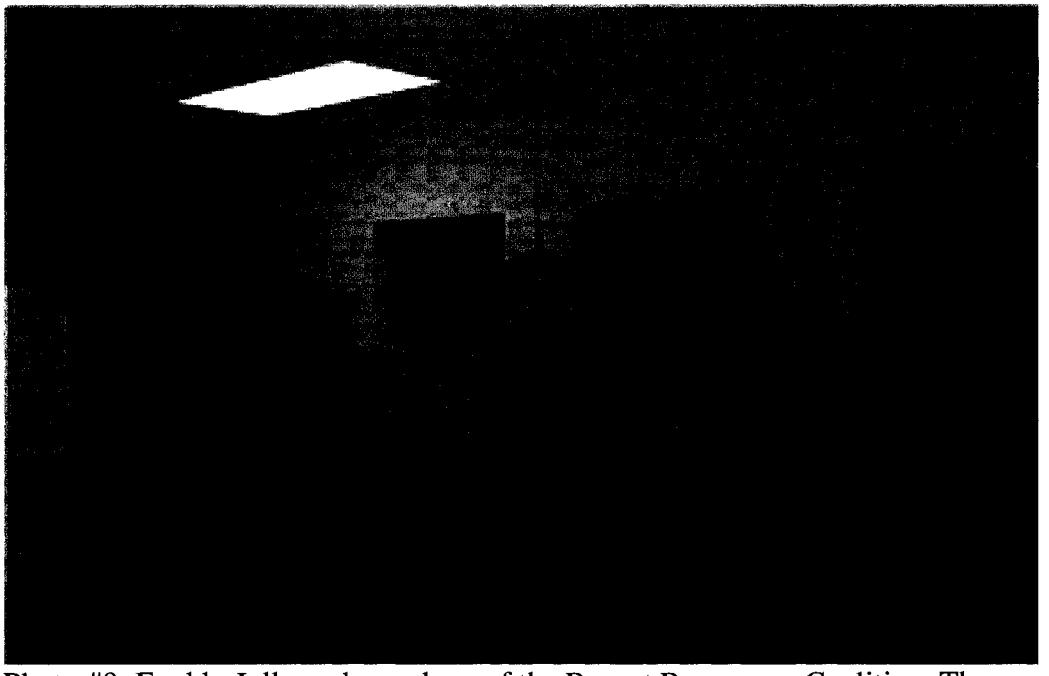

Photo #9: Freddy Jolly and members of the Rupert Reverence Coalition, The Rivers Foundation and Sierra Club of Canada meet with Quebec Premier Jean Charest during his visit to the EM-1 construction site in August 2006 (Photo courtesy of Nicolas Boisclair, The Rupert Reverence Coalition).