

Principal Provisions of the JBNQA and NEQA

Under the terms of the James Bay and Northern Quebec Agreement and the Northeastern Quebec Agreement, Aboriginal communities of the region have exchanged their rights and territorial interests for other rights and benefits, as specified in the agreements.

The JBNQA and NEQA define the land regime applicable to the Cree, the Inuit and the Naskapi, as well as their rights in many areas, such as resource management, economic development, policing and administration of justice, health and social services and environmental protection.

In terms of compensation, the Cree received \$133,815,678 (including \$19,447,615 from the Government of Canada) and the Inuit received \$91,184,322 (including \$13,272,384 from the Government of Canada) for a total of \$225 million under the JBNQA. The Naskapi received \$9 million (including \$1,310,010 from the Government of Canada) under the NEQA.

In addition, a sum of \$ 2,809,773 (including \$1,226,943 from the Government of Canada) was provided to the Cree under Section 25.1.15 of the JBNQA and a sum of \$525,428 was provided by the Government of Canada to the Inuit under Sections 25.1.16 and 3 of the Complementary Agreement No. 2 (JBNQA).

The Cree, Inuit and Naskapi are also entitled to a range of services and programs to which the federal and provincial governments contribute annually. The following additional lump-sum payments have been provided as a result of the signing of specific agreements, many of which are associated with complementary agreements to the JBNQA:

Funds provided by Canada:

- Cree: \$10 million under the Chisasibi Agreement (1978).
- Inuit: \$22.8 million under the JBNQA Implementation Agreement (1990).
- Naskapi: \$1.7 million under the NEQA Implementation Agreement (1990);
\$0.9 million under the Job Creation Strategy for the Naskapi Agreement (1997).

Funds provided by Quebec:

- Cree: \$40 million under the Chisasibi Agreement (1978);
\$25.5 million under the Sakami Lake Agreement (1979);
\$112 million under the La Grande Agreement (1986);
\$18 million under the Mercury Agreement (1986);
\$50 million (for the Chisasibi and Wemindji communities) under the Opimiscow - La Grande Agreement (1992).
- Inuit: \$48 million under the Kuujjuaq Agreement (1988).

Lands

Under the JBNQA and NEQA, a land regime was instituted in the territory covered by the agreements. It divides the territory into three categories of lands (I, II and III) and specifies the total land area in each: over 14,000 square kilometres of territory are category I lands, 150,000 square kilometres are category II lands and 1,000,000 square kilometres are category III lands. It also specifies the rights pertaining to each category.

Category I lands, where the villages are located, are set aside exclusively for the Aboriginal communities that are signatories to the two agreements. Cree and Naskapi Category I lands are further subdivided into categories IA and IB: "A" for lands under the jurisdiction of Canada, and "B" for those under that of Quebec. Category IA and IA-N lands (N standing for Naskapi lands) falling under federal jurisdiction are governed by local Aboriginal administrations, as defined in the *Cree-Naskapi (of Quebec) Act*. Category IB and IB-N lands under Quebec jurisdiction are governed by corporations composed exclusively of Aboriginals. Inuit lands fall under provincial jurisdiction and are governed by public corporations composed mainly of Inuit.

Category II lands, usually located around the villages, come under provincial jurisdiction. However, the Aboriginal people participate in the management of hunting, fishing and trapping and the development of outfitting operations. They also have exclusive hunting, fishing and trapping rights on these lands.

Category III lands are Quebec public lands where Aboriginal and non-Aboriginal peoples may hunt and fish. However, Aboriginal people exercise certain rights on these lands under the agreements. They have exclusive rights to the harvesting of certain aquatic species and fur-bearing animals; they participate in the administration and development of the territory; and enjoy, until the year 2015, a right of refusal in the event of applications to set up or transfer new outfitting operations. The Aboriginal people must, however, relinquish this right for 30 percent of transfers or new outfitting operations proposed by non-Aboriginal people.

LAND AREA (KM²) FOR CATEGORY I AND II DEFINED BY THE JBNQA IN 1975 AND THE NEQA IN 1978, BY BENEFICIARY GROUP

	Category I Lands		Category II Lands		Category III Lands
Cree	IA	3,295.39 *			Cree, Inuit and Naskapi exercise Native harvesting rights in Category III Lands
	IB	1,992.98			
	IB special	252.96			
		5,541.33		68,790.39	
Inuit	I	8,152.01			
	IA-N	41.92			
	IB-N	284.90	II-N	4,144.00	
Naskapi		326.82			
Total		14,020.16		154,530.97	910, 711 **

* Following acceptance by the Government of Canada from the Government of Quebec, in 1999, of the final transfer of Category IA lands, the Cree IA lands cover 3,299.6 km².

Sources:

Federal lands Government of Canada
Natural Resources Canada
Legal Surveys Division
Quebec Client Liaison Unit

Provincial lands Gouvernement du Québec
Ministère des Ressources naturelles
Direction de l'enregistrement et du
morcellement
** Ministère du Conseil exécutif
Secrétariat aux affaires autochtones

Category III lands as defined in Section 1, Annex 1 of the Complementary Agreement No. 1, JBNQA.

Environmental and Social Protection

The JBNQA and the NEQA provide for consultative bodies to advise governments on policies and regulations that may have an impact on the environment and the social conditions of Aboriginal communities.

For this purpose, two committees have been set up: the James Bay Advisory Committee on the Environment (JBACE) for the area south of the 55th parallel and the Kativik Environmental Advisory Committee (KEAC) for the area north of that parallel. Each committee includes representatives from Aboriginal communities in the territory and from the two levels of government. The JBACE Annual Report is available from the Secretariat of the James Bay Advisory Committee on the Environment, Environmental Assessment Division, Marie-Guyart Building, 6th Floor, 675, René-Lévesque Boulevard East, Québec City (Quebec) Canada G1R 5V7. The KEAC Annual Report is available from the Secretariat of the Kativik Environmental Advisory Committee, P.O. Box 1093, Station Terminus, Québec City (Quebec) Canada G1K 7B5.

The JBNQA also establishes evaluation procedures for development proposals. The Cree participate in the evaluation of projects affecting lands below the 55th parallel, whereas to the north of the 55th parallel it is the Inuit who participate in these evaluations. The federal administrator – appointed by the Governor in Council – is responsible for the evaluation process for projects under federal government jurisdiction. For matters under provincial jurisdiction, a provincial administrator is appointed by the Quebec government. Projects in Category I Cree lands come under the authority of the local Cree administrator.

The NEQA includes similar provisions assuring the Naskapi of participation in the environmental and social protection of the territory covered by that agreement.

Economic Development

Compensation funds paid under the agreements by the governments of Quebec and Canada and by Hydro-Québec are administered by three organizations. The Cree Board of Compensation, the Makivik Corporation and the Naskapi Development Corporation handle the funding of projects for the economic development of their respective communities in Northern Quebec.

In addition, under the agreements, the Cree, Inuit and Naskapi continue to benefit, in the same way as other Aboriginal peoples, from the economic development programs offered by the two governments.

Education

The JBNQA provided for the establishment of the Cree School Board and the Kativik School Board. Both of these boards, which operate under Quebec's jurisdiction, possess special powers and ensure that educational programs are culturally relevant to the communities.

Under the NEQA, educational services for the Naskapi are provided for by a school created to fulfill the needs of the Naskapi community. The Eastern Quebec Regional School Board is responsible for its general administration. In addition, the Naskapi Education Committee was set up to perform the same advisory functions as those assigned to school committees under the *Education Act* at the time, and now known as the *Education Act for the Cree, Inuit and Naskapi Native Persons*.

The JBNQA and the NEQA established that Canada and Quebec would contribute to the funding of these institutions on the basis of annual operating and capital budgets approved by each. The proportion to be contributed by Canada was set at 75 percent of the approved budgets of the Cree School Board and the Naskapi school, and 25 percent of the approved budgets of the Kativik School Board.

Hunting, Fishing and Trapping

The Hunting, Fishing and Trapping Co-ordinating Committee (HFTCC) was created under the JBNQA and is comprised of government and Aboriginal experts. Federal representatives are from INAC, Environment Canada and Fisheries and Oceans Canada (DFO). The Committee's role is to study, manage and, in certain cases, monitor and regulate the hunting, fishing and trapping regime. In most matters, the Co-ordinating Committee plays an advisory role to the Quebec and Canadian governments. It must also make recommendations to the two levels of government. It holds annual meetings in the northern communities to explain its activities and consult with local people about its mandate and broad objectives. Sub-committees, also made up of Aboriginal and government representatives, have been formed to deal with specific issues such as big game, parks, fishing, outfitting operations, marketing of caribou meat and land use. More information on the HFTCC and its activities is available on the HFTCC Web site : <http://www.cccpp-hftcc.com/indexe.html> or from the Secretariat of the Hunting, Fishing and Trapping Co-ordinating Committee, 393, St-Jacques Street, Room 369, Montréal (Quebec) Canada H2Y 1N9.

Local and Regional Administrations

With the passage of *Cree-Naskapi (of Quebec) Act* in 1984, the Cree communities and the Naskapi community became incorporated. They have local administrations with the power to adopt by-laws concerning public order, environmental protection, taxation for local purposes, roads and transportation, local business and the use of lands and resources. Two additional bodies – the Cree Board of Compensation and the Cree Regional Authority (CRA) – were set up under Quebec legislation.

The Inuit communities of Nunavik, located above the 55th parallel, are incorporated as municipalities under Quebec legislation. The Kativik Regional Government is their

regional structure, and the Makivik Corporation was set up to protect the interests of the Inuit with regard to the implementation of the JBNQA. Both organizations were established under Quebec legislation.

Cree-Naskapi (of Quebec) Act

In 1984, the Parliament of Canada passed the *Cree-Naskapi (of Quebec) Act* to implement JBNQA and NEQA provisions regarding local government for the communities. This Act supersedes the *Indian Act*, except for matters pertaining to Indian status. It institutes a form of self-government and establishes the land management system for Category IA (Cree) and IA-N lands (Naskapi).

Cree-Naskapi Land Registry

The setting up and operation of a registry of rights and interests pertaining to Category IA and IA-N lands and buildings on those lands is provided for under the *Cree-Naskapi (of Quebec) Act*. The Land Registry System, which reports to INAC, includes the Central Land Registry Office and the Cree and Naskapi local offices.

Cree-Naskapi Commission

The *Cree-Naskapi (of Quebec) Act* also provided for the establishment of the Cree-Naskapi Commission (CNC), whose role is to investigate any representation submitted to it relating to implementation of the Act. It must also produce biennial reports on the application of the Act, following hearings. These reports are submitted to the Minister of Indian Affairs and Northern Development to be tabled in Parliament. The Cree-Naskapi Commission is made up of no more than three commissioners appointed by the Governor in Council, on the recommendation of the Cree Regional Authority and the Naskapi community.