

**James Bay Cree People Speak to Governments:  
Development, Cree Governance and Co-Governance**  
*(Pentultimate manuscript version, submitted to editors)*

By Harvey A. Feit, Hamilton, ON, Canada – [feit@mcmaster.ca](mailto:feit@mcmaster.ca)

Published in French in 2010 as: “Le peuple cri de la baie James parle aux gouvernements: développement, gouvernance et co-gouvernance.” In *Les Inuit et les Cris du Nord du Québec – Territoire, Gouvernance, Société et Culture*. Jacques-Guy Petit, Yv Bonnier Viger, Pita Aatami and Ashley Iserhoff, eds. Rennes: Presses Universitaires de Rennes and Presses de l’Université du Québec. Pp. 119-132.

In this paper I explore what I have learned about Cree and government views of their relationships by looking at the ways that Cree people spoke to governments at two critical moments - just as the negotiation of the James Bay and Northern Québec Agreement was getting underway in 1974, and just prior to the 2002 Québec - Cree agreement. In each case Crees spoke about what kind of relationships were needed between themselves and non-Cree governments and corporations. They also spoke about the difficulties they faced trying to live by and create such relationships. I also look briefly at what kinds of relationships governments said they wanted at the time they negotiated these two agreements.

**Discussing Development, Cree Governance and Co-Governance**

When the James Bay Hydro-electric Project was announced in April 1971 the Crees were not involved in the decision, and when the Crees finally were able to meet with Québec Premier Robert Bourassa in October, 1972 he cut the meeting short before the first Cree speaker could complete his presentation. In the court case that followed the Crees who went to the courtroom spoke about their lives, the effects of the hydro-electric project, and their lack of involvement in discussions and decisions (see Richardson, 2008).

After a ruling by Judge Albert Malouf of Quebec Superior Court in 1973 in favour of Crees rights to be involved, Québec and Canada offered to negotiate with the Crees. These negotiations were lead by young Crees who were emerging regional leaders. They often consulted with Cree people, but the government negotiators also wanted to hear from the Cree people themselves. The first opportunity was a meeting arranged in the Cree community of Fort George, later relocated to Chisasibi, in the spring of 1974. The ways that Cree elders, families and youth spoke to the governments in this meeting expressed much of what they thought of Cree - government relationships.

The purpose of the meeting for government negotiators was to see if what the young Cree negotiators were saying to government negotiators reflected the views of many Crees of different generations (Kanatewat video; and Interview, June 15, 2009).<sup>1</sup> The meeting gave the government negotiators a chance to assess the strength of Cree community opposition to the hydro-electric project, to try to understand differences and potential points of division among Crees, and to explain the government’s actions in a

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<sup>1</sup> The meetings were organized by Robert Kanatewat who has recently told the intriguing story of how they came about on video and in a recorded interview. An excerpt from the video Kanatewat did for the Grand Council of the Crees appears on their web site at <http://eeyoufeeyouistchee.com/video.php> (Accessed December 10, 2009).

way which might calm Cree concerns and weaken Cree opposition. John Ciaccia, the chief Québec negotiator, was a member of the Québec National Assembly as well as a former official in the federal Indian Affairs administration. He was accompanied to the meeting by Armand Couture, a senior negotiator who was a Vice-President of the James Bay Energy Corporation, and later President of Hydro-Québec. I will summarize some highlights of the meeting.<sup>2</sup>

***April 9, 1974, Fort George Meeting - Opening Statements***

John Ciaccia made opening remarks and defined his role, saying in part: *“I hope to listen to some of your problems and to give my views on these issues. My role is not negotiation in the usual sense of the word, the James Bay Project has brought many problems to this area. Perhaps Natives and the provincial government have not communicated together. I believe many problems caused by the James Bay project can be solved. However, for us to begin to solve them we must be able to communicate on these problems with Native people.”*

His comments were translated into Cree. Ciaccia offered to talk, he recognized the failure to involve Crees earlier and he offered sympathy and concern, but he did not offer full negotiations about the hydro-electric project and development. He did not offer Crees a role in decisions about the hydro-electric project.

The first Cree speaker, an elder, said: *“God created earth for men - Indian and White. The earth was not created for someone to destroy. God controls all of life - no one has the right to destroy things that are necessary for life. Here no one has a right to deprive us from essentials to sustain life. This river - drinking water – everything [is] created for men - Indian, White - all the water is for everyone to drink. No one should be deprived of drinking water. I hope this will not happen.”*<sup>3</sup>

The first Cree speaker began by asserting that the land is to be shared by Crees and Whites, he does not take the view that this is only Cree land, although some later Cree speakers did imply that. He stressed that the relationships between Crees and Whites flow from the creation of earth and the presence of Crees and Whites on the land. Given this co-existence he asserts a fundamental principle, that no one has a right to deny any others the necessities of life. For the speaker, negotiations begin from recognition of co-existence, from respect for access to the necessities of life, and from attention to the wellbeing of Crees, Whites and all life. This is a vision of what relationships between

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<sup>2</sup> Most Fort George Cree people spoke in Cree, and I made notes in English based on a running translation by Philip Awashish, a Cree negotiator from the inland community of Mistissini, whom I sat next to. My notes of the meeting from which I quote here are not verbatim. I sought to write down all I could, but my writing could not keep up with the flow of the meeting. I abbreviated what I wrote to help to keep up as best I could. I had a system of regularly leaving out recurrent words, for example connectives, prepositions and personal pronouns where I considered their use in a sentence was clear. In presenting the material here I have inserted such frequently used missing words without noting the insertion. Where there were other omissions or incomplete notes I have inserted words now which I think complete the text, but which are not part of my usual omissions. I have put these words in square brackets.

<sup>3</sup> Unfortunately, I did not know the names of the Crees who spoke.

Crees and governments require. This initial exchange opened Cree dialogues with government negotiators on relationships, sharing, co-existence, and their co-governance.

***First Responses – Denying Danger and Shared Governance***

After two more Cree commentaries, Ciaccia responded by saying he had respect for Crees and he asked: “*You speak of certain effects - [as on] drinking water - are you sure this will happen?*” At least one audience member interjected, “*Yes.*” Ciaccia said, “*Someone said God is the creator and only God can destroy and not Whitemen. We all destroy, for example when hunting . . . . Look around here - there were changes long before the James Bay project was announced - without the James Bay project there were other kinds of changes. The basis of the proposal made [by Québec] is preservation of your way of life*”

The next Cree speaker said, “*We want our land not to be destroyed. We want our demands met. Why does he say an Indian destroys while hunting?*” Ciaccia responded that the “*point of my statement is - there are changes and there will be changes.*”

In response to the question about why he claimed Crees destroy the land, Ciaccia emphasized that he thought it was undeniable that everyone degrades the land by living on it. This response ignored the stewardship aspects of Cree hunting practices that many Crees had emphasized when they gave testimony in the court case. This denial of Cree caring for the land was a failure to understand the Cree way of life which Ciaccia was saying he would respect in the negotiations. It denied one of the foundations for Cree - government relationships.

It also failed to acknowledge the histories of beaver conservation and recovery that Crees and governments had jointly undertaken since the 1930s. The first direct Québec and Canadian government presence in the James Bay region was their involvement in the development of a system of beaver reserves, which aimed at the recovery and conservation of depleted beaver populations. Initiated in the 1930s and 1940s, beaver conservation was a Cree idea that was implemented jointly, and whose success was achieved as a result of the combined efforts of Crees and the governments of Québec and Canada (see Feit, 2005; Scott and Morrison, 2004, 2005). Co-governance was acknowledged in some significant instances by Canadian and Québec Beaver Reserve officials. The Beaver Reserves developed into a practical experience of co-governance, albeit a very incomplete and partial example of what many Crees envisioned.<sup>4</sup> Ciaccia did not recognize that joint Cree – government conservation of beaver was a history of joint decision-making between Crees and governments. His responses, however unintended, revealed the unwillingness of government to negotiate on the basis of acknowledging their joint histories of co-existence and co-governance.

One Cree audience member replied, “*that’s all I have to say - he doesn’t listen anyways.*” Other Crees talked about how Crees were already experiencing the adverse effects of the project construction. They talked about the pollution that was already occurring and that Ciaccia seemed to minimize. After a discussion of trapping as subsistence, a young man tried to explain Cree concerns about pollution in a clear way,

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<sup>4</sup> The government negotiators referred to Beaver Reserves later in the Fort George meeting, when Crees questioned the government’s proposal to relocate beaver from areas to be flooded by the dams. Armand Couture recalled that beaver had been relocated in this area before.

*“If a man puts his foot in a small stream with a muddy bottom, when the man pulls his foot out - is the water pure? Would you drink up or down stream?”* Ciaccia did not get the point, he said, *“I don’t know up or down stream.”*

Later on in the meeting an elderly man referred again to the spillage of gas and oil, and the dumping of waste and debris into the water that were being done by project activities. He then described Cree life on the land, and recalled how he fed his family with the fish and animals he caught that depend on the water. His description suggested how he and his children caught, touched, butchered, ingested and were nurtured from fish, water, and animals. He made clear the connections between what the project was doing and his family’s wellbeing. By implication he referred more generally to the physical, social and spiritual connections of Cree peoples’ lives to the land, water, fish and animals, and how they were inseparable in Crees’ daily lives. He thus pointed to how the actions of developers were already endangering Crees. His words implied that the effects of the project were already not containable, remediable or solvable, as Ciaccia had claimed.

Ciaccia’s question, *“are you sure this will happen?”* failed to acknowledge and respond to these effects and risks which the project work was already creating. As a result, Ciaccia could appear, however inadvertently and despite his own claims to the contrary, to be denying any caring for the wellbeing of Crees and the land.

#### ***Frustrations, Anger and Denying Relationships***

After the man who explained that putting your foot in the water thoughtlessly affects drinking water, and Ciaccia’s dismissal of the remark, a series of Cree criticisms ensued. A young man said: *“You are a ‘yes’ man from Indian Affairs. Who are you fooling? Whose side are you on?”* An old man said: *“I testified in court. I remembered our people, and the children. Those who threaten our way of life - [are] devil[s].”* A woman said: *“The government has never listened to the Indians.”* Another woman said: *“You are a wolf in sheep’s clothing.”*

An older man said there was: *“no need for him [Ciaccia] to answer as I have spoken the truth and the truth cannot be distorted. We want to preserve the land and our way of life.”* A middle aged man said: *“We know you have no love for our people - that is the way the Whiteman is - he does not love his neighbours. Indians have a lot of love for people - we are concerned for children.”* Ciaccia then started to move towards closing the meeting.

The use of “devil” here could refer both to the Christian Devil, and to a Cree personage, “Atuush,” also known as “Windigo.” Atuush are known from myths, from a few personal encounters some Cree have had with them, and from historical experiences. They are persons who often live in the woods isolated from society, and they attack people to capture them as slaves for their labor, or to eat them as food (see Scott, 1989). Non-Crees like Crees are capable of being or becoming Atuush, capable of becoming asocial beings outside human societies and social relationships. As recently as the 1930s, during the Depression and a time of game shortages, several Cree families starved in the bush when denied credit and food by fur traders. The Cree charges that the government negotiator is a devil, and their claim that “Whites” often do not know how to love their neighbours, go hand in hand, expressing the dangers of the absence of respect for others and of denying relationships with them.

#### ***Threatening Development but Continuing Relationships - Closing the Meeting***

The meeting discussions went on a few minutes longer. A middle aged man said: *“Money is of no value to us. You cannot compensate our losses. You can build LG -1 [dam], we will burn it down. I will do anything to stop the James Bay Project, even get killed stopping it.”* It was a very angry declaration. It was not likely to be a practicable threat. But I think that several Crees would have been willing to give their lives were there a practical way to stop the project by local direct action.

There was anger, frustration, bewilderment, a deep sense of ongoing loss and danger. Despite this, there was also a general and insistent consensus that the government negotiators and Crees had to continue talking. When Ciaccia indicated that it was getting late people wanted to continue the meeting. Ciaccia had to agree to return on a date a few weeks later before it was agreed to end the meeting. In addition, two other Cree villages also requested meetings with government negotiators.

I now understand the Cree insistence on continuing to talk was based on the knowledge that even in the midst of the failure of discussions, and of governments acting in socially irresponsible ways, relationships still exist. Developers actions still affect Crees, and this would continue, even if there were a break in discussions and relations as a result of frustrations or anger. Furthermore, since many Crees saw sharing the land as a responsibility, relationships needed to be developed in ways that did not deny all sharing. Cree statements had said that it was not right for the actions of any group to endanger others, or relationships. Political strategies and negotiations could not be isolated from relationships to others, to lands and waters. To think one can cut off or ignore some aspects of relationships to pursue a strategy is to endanger yourself and others.

#### **Talking About Improper Sharing, Development and Co-governance Decades After the JBNQA**

These same concerns and approaches were expressed repeatedly by Cree people in subsequent years during the negotiation and implementation of the JBNQA, and in response to the lack of implementation of many of its provisions.

An extended expression and reaffirmation of Cree views occurred in the context of the affidavits collected in 1999 from a number of Cree hunting leaders and their spouses from the inland communities of Mistissini, Ouje-bougamau, Nemaska and Waswanipi. The affidavits were prepared for a Cree-initiated court case against Québec and forestry companies over the ever-growing extent and intensity of forestry operations following the JBNQA. Twenty-five years after the Fort George meeting hunting leaders from inland Cree communities spoke in almost the same terms as the people from Chisasibi had, as well as highlighting new issues that expressed their experiences in the intervening decades. Their focus continued to be on Cree relations to government, corporations, and lands, and how to properly share and co-govern the territory.

Charlie Etapp, who was a hunting leader with governance responsibilities for a hunting territory passed down through generations of Crees, said in his affidavit:

*As Ndoho Ouchimau [hunting leader] I have full authority over my hunting territory and I am recognized by the community as having it. This authority allows me to grant access, assure guidance or refuse access to my Ndoho Istchee [hunting territory] to other Crees and to other Native persons. I especially try to grant access and provide guidance for others who are in need. I should also be able to exercise this authority with non-Native users, but they do not understand my role. . . .*

*The government, the companies and the non-Natives don't listen to me so I have had to restrict access to my hunting territory to my immediate family . . . . I am very sorry that needy Cree families are deprived of harvesting wildlife. Sadly I must limit access because the land is now in danger. . . .*

*I understand that the forestry workers presently in my hunting territory need to work for their families. Presently only their rights and interests are being looked after. I would prefer not to affect the basic needs of the forestry workers' families, especially their children, but the forestry operations in my hunting territory have gone too far. My traditional way of life has been seriously harmed and is not respected. . . .*

*All this cutting makes me sad. The present forestry activities and the cutting of the forestry companies have to stop. (Charlie Etapp, 7 July, 1999, trans. by Charlie Mianscum, brackets mine).*

Another hunting leader, Charlie Coon Blacksmith said:

*As far as I can tell, none of the big companies operating in Eeyou Istchee [Cree lands, and the James Bay Territory] are obeying the rules of the James Bay and Northern Quebec Agreement. Until they do so they should not be allowed to cut any more timber. It is simple to enforce this. The Agreement says the government and developers must consider our way of life and protect the environment. They have not done so. (Charlie Coon Blacksmith, 7 July 1999, trans. Charlie Mianscum, brackets mine.)*

In another affidavit, François Mianscum described interactions and relationships with companies:

*I understand the forestry workers need their work and that it is possible to share the land. However, they must understand that we Crees also need our land to survive. . . . I have seen what they have [done] to the land. This is not proper sharing. . . .*

*I am not happy with the way the foresters conduct their practices. Sometimes I get mad. My land is so important to me. The foresters do not think about my children. This land is our survival and our life. . . .*

*This summer, the forestry company wants to continue to cut . . . . The foresters told me this. They flew in by helicopter. I told them to look at what they had already done in the South and how I could stop them. They made a paper stating that they would assist me. I told the gentlemen that I knew that this paper would be thrown away and that my desires would not be respected. . . .*

*What I see happening is the fact that their so-called consultations result in no respect for their own words. I do not want the situation to get worse with the younger generation. . . .*

*I think the foresters should stop logging until they respect the Cree use of the land. The loggers should do what we ask them to do. (François Mianscum, 22 July 1999, trans. Johnny Cooper, brackets mine.)*

Charlie Etapp, Charlie Coon Blacksmith and François Mianscum eloquently acknowledge the needs of other people, Cree and non-Cree, and they continue to affirm that there are effective ways to share the land and its governance (on Cree self-governance see Awashish, 2006, 2009). But they make clear “proper sharing” is not

occurring, that Crees needs were not being taken into account, and that forestry cutting is too intense.

A word that occurs at key points of their statements is “respect.” François Mianscum indicates that respect does not occur in the present consultations, it depends on reaching agreements that are put into practice by companies. In a memorably worded phrase, he says that this means that companies and governments have to respect their own words.

Twenty-five years after negotiation of the JBNQA, Cree hunting leaders highlighted: their continuing commitment to sharing the land and its governance; the limited success there had been implementing the JBNQA provisions for Cree involvement in development decisions; the too intense use of the land by companies without respect for Cree needs, or the needs of a growing population of Cree and non-Cree youth; the ignoring of the Cree governance, including the hunting leaders; and the failures of companies and governments to respect their commitments.

### **New Agreements: Meeting the Need for Development and Co-Governance?**

Because these hunting leaders’ statements were in court affidavits, there was no immediate response in 1999 by governments or corporations. However, what government understandings were twenty-five years after the JBNQA was signed became clear when new agreements were negotiated.

The “Agreement Concerning a New Relationship Between Le Gouvernement du Québec and the Crees” signed in 2002 had several new features, but it also repeated some features of the 1975 agreement. It explicitly limited the forms of Cree opposition to the diversion of the Rupert River, and it very substantially increased payments to the Crees for the next fifty years, now partly based on the intensity of the exploitation of the natural resources of the region.

From a government perspective one can see these arrangements as part of a renewed effort to create the conditions in which Cree would not be able to, or wish to, vigorously oppose new developments. This was what governments and corporations thought they had done in 1975 (see Feit 2009, in press). The Premier of Québec in 2002, Bernard Landry, in his speech at the signing of the new agreement said that now, “la paix est signée entre nous” (Landry 2002), echoing the government expectations of 1975. The Agreement became known as La Paix des Braves.

But between 1989 and 2001 Crees had engaged in a long series of political struggles, most notably the campaign to stop the Great Whale Hydro Project, in which they eventually succeeded. This decade of struggles against unregulated hydro-electric and forestry developments and against a Québec referendum vote on the possible separation of Quebec (which intended to include Crees and Cree lands), proved that many of the predictions of 1975 had not been fulfilled. Crees were a stronger autonomous polity than in the 1970s. When the JBNQA provisions were not implemented, or not sufficient, Cree strongly opposed their exclusion from governance of the region. That is why Québec and Hydro-Québec sought a new agreement in 2001 when a new phase of hydro-electric development was to begin. Thus, whether the kind of new controlling relationship which Québec leaders foresaw would succeed was unclear.

There were also new features in the 2002 agreement that are relevant here. There was recognition of “nation to nation” relationships between Crees and Québec, suggesting the possibility of co-governance. There was a transfer of obligations for socio-

economic development from governments to Crees. Cree leaders welcomed this responsibility because governments had failed to create socio-economic development for Crees and Cree leaders thought they could do a better job themselves with the new funding. There was an agreement to adapt forestry cutting practices and intensities to the Cree hunting territories. And, mechanisms were established for involving Cree hunting territory leaders with company and government foresters in local decisions about logging locations and conditions. While implementation of many forestry provisions of this agreement have been delayed repeatedly, there have been important benefits from some of the provisions. There are diverse views of the agreement among Crees, and the benefits, effects and problems with the agreement are still becoming clear (see Scott, 2005; Oblin, 2007; Feit, 2009, In Press).

The negotiation of the agreement responded in part to the kinds of concerns expressed in the 1999 affidavits by Cree hunting leaders, as well as to other Cree concerns for economic development, renewed funding and self-governance.

What the Québec government and corporations understood of the agreement, over and above their desire to create a social peace that would limit Cree autonomy was revealed in the speeches at the signing of the agreement. Then Premier of Québec, Bernard Landry, explained how the Government of Québec thought that the Crees and the province would establish a new partnership and put aside their conflicts. This was possible he said because the implementation of the agreement would lead to a convergence of objectives by Crees and the government (Landry, 2002). Landry said that their shared objectives were: “d’assurer le plein développement de nous communautés respectives,” and “une conviction tout aussi solide que le territoire de la Baie-James offre un potentiel qui n’est pas encore pleinement développé” (Landry, 2002). He said that: “Enfin, cette entente vise aussi une accélération du développement de la région” (Landry, 2002).

These views were later echoed by federal leaders. At the 2008 signing of the “Agreement Concerning A New Relationship Between the Government of Canada and the Cree of Eeyou Istchee,” the federal press release included only one quotation from Indian Affairs Minister Chuck Strahl, focusing on Cree partnership in economic development: “Our Government’s commitment and decisive approach puts the past to rest, and will clear the way for the Cree to become a full partner in economic and resource development in northern Québec . . . . Our new constructive relationship with the Cree of Eeyou Istchee will help them become more self-sufficient, resulting in a brighter future for the Cree and for all Canadians” (Canada, 2008).

When Premier Landry spoke of development he spoke of a conviction, which he thought was shared by the Crees, that the development of the potential of the James Bay region should be accelerated. But the Cree hunting leaders said something different in 1999. They were concerned that some developments, such as forestry, had to be regulated and limited because they were already too intense and could not protect the needs of future generations of Cree and non-Cree youth, or the land. There were provisions in the 2002 agreement to limit forestry activities. But in meetings between Cree hunting leaders and government and company foresters that followed the agreement many Cree hunting leaders found these limits were not sufficient (see Scott, 2005). More recently, the whole process has been brought into question by a new province-wide forestry regime that ignores the Cree - Québec agreement of 2002 (see Coon-Come, 2009).



Both the Québec and Canadian governments acknowledge that the Crees demand full engagement with economic and resource opportunities. But they ignore the approaches to development called for by the Cree hunting leaders quoted above and numerous other Crees, who want a development that respects the needs of Cree youth, the diverse Cree relations to the land, as well as the land itself. Such careful development would require real co-governance of the region, in which Cree hunting leaders and other Cree leaders were recognized as participants in co-governance with nation state governments and corporations, so that they were effectively involved in making development decisions.

### **Conclusions**

What the government views ignore and obscure are the differences between Cree governance and the logic of nation state governance. Charlie Etapp, Charlie Coon Blacksmith, and François Mianscum and many other Crees are calling for proper sharing based on Cree governance, co-existence, and developing a respectful co-governance between Crees and non-Crees. These Cree hunting leaders are challenging Québec's and forestry companies' governing of lands and forests only according to the logic of what corporations and non-Cree markets need. They want governments and corporations to act in ways that take into account what was necessary for the Crees hunting life and for jobs and well-being of Cree and non-Cree youth now and in the future, and that requires some protection of forests and land now.

Thus, a consequence of Crees' self-governance which recognizes the needs of non-Crees to share the land is that many Crees want and actively pursue respectful and effective co-governance. Cree hunting leaders and others have been talking of this to governments for decades and they have engaged with non-Crees on the basis of co-governance. They do so even in the context of repeated failures of governments to implement proper sharing and commitments to co-governance with Crees.

Cree self-governance, the responsibility to share the land, and relationships of co-existence underlie a partial but enduring co-governance. The diverse Cree statements and engagements with governments keep respectful co-governance alive as an unfulfilled potential of existing Cree relationships with non-Crees.

### ***Acknowledgements***

In this paper I draw on insights and work of many Cree people and other colleagues. I want to acknowledge my special debt over the course of my research to: Philip Awashish, Mario Blaser, Sam C. Gull, Jasmin Habib, Deborah McGregor, Brian Noble, George Oblin, and Colin Scott. I also want to thank: Brian Craik, Peter Hutchins, Justin Kenrick, Monica Mulrennan, Eva and the Late Joe Ottereyes, Alan Penn, and Alan Saganash, Jr. Others go unlisted but not forgotten. This research was supported financially by the Social Sciences and Humanities Research Council of Canada.

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