

# Hunting and the Quest for Power: Relationships between James Bay Crees, the Land, and Developers

*Harvey A. Feit*

## **Introduction**

**H**unting and “quests for power” mean different things to different people. The “quest for power” is a metaphor the James Bay Crees might use for the life of a hunter; it is also a metaphor other Canadians might use for the goals of both northern developers and government bureaucracies. In this chapter I consider these different ideas of hunting, power, and development, and I show how the way each group uses them is related to their relationships to the environment and to other peoples.

The way I approach these questions is to look first at how James Bay Cree people typically talk and think about themselves and about others in their world, and at what kind of relationships they develop. Some people, such as the Crees, approach relationships as the foundations of life. Family relations make it possible to grow into adulthood, social relations make it possible to become a full individual by learning how to be a person from interactions with others, and careful environmental relations make it possible for present and future generations to survive in the world. Many others approach relationships solely as things which individuals create for their own purposes. For them relationships can be ignored because they think that individuals are separable from their relations to kin, society, and the world. In the

second half of this chapter I focus on how the governments of Canada and Quebec have tried to use or deny relationships in order to control the James Bay Crees, and how the Crees have sought to exercise their autonomy by enhancing recognition of relationships. This part traces the court challenges, the environmental campaigns, and the negotiations and agreements that the Crees have used to continue to coexist with developers on the Cree's homeland. In doing this I show how environment and politics are intertwined in relationships and conflicts over who governs the James Bay region and how it is to be developed.

The James Bay Cree region lies to the east and southeast of James Bay and southeast of Hudson Bay. Crees have lived there since the glaciers left about 9,000 years ago. They now number some 14,000 people and live in nine settlements from which they hunt approximately 375,000 square kilometres of land. (In this chapter the word “Crees” refers specifically to the James Bay Crees.)

I first visited the region in 1968 when I began my doctoral research on hunters of the Cree community of Waswanipi. My interest in hunting arose from a concern for the relationships between Western societies and their environments. I had read often in the human ecology literature that Indigenous peoples had a different relationship with nature, but I found the accounts in that

literature often vague and romantic. I thought an “on-the-ground” study of Cree–environment relationships could help revise the popular images of Indigenous peoples as ecological saints or wanton over-exploiters and could develop a practical understanding of the real accomplishments and limitations of one group’s approach to environmental relationships. I think I was partially able to accomplish this goal, but with Cree tutelage and encouragement I also learned things I had not foreseen. These are probably best described as lessons in the sacredness of the everyday, the practicality of wisdom, and the importance of relationships and reciprocity.

When the Crees began their opposition to the James Bay hydroelectric scheme in 1972, they asked if I would present some of my research to the courts and then use it in the negotiations. It was an unexpected happenstance that my research proved to be of some use to the Crees, and one for which I was thankful. I served as an advisor to Cree organizations during the negotiation and implementation of the James Bay and Northern Quebec Agreement, regularly from 1973 through 1978 and occasionally thereafter.

## Contemporary Cree Hunting Culture

### Hunting in a Personal and Social Environment

We can develop an understanding of how the Crees think about hunting and themselves and their world by considering the different meanings conveyed by their word for hunting. Their concept of hunting is very different from the everyday understandings of most North Americans. However odd the Cree conception may appear at first, it not only has logic when understood in the context of Cree life and environment, but also has important affinities with the discoveries of eco-

logical scientists. These analogies may help us to better understand Cree thought, although they will not make the Crees out to be secular scientists or transform scientists into effective but responsible hunters.

### Animal Gifts

*Ndoho*, the Cree term that is roughly translated as “hunting, fishing, and trapping on the land,” is related to a series of words about hunting. At least five basic meanings are associated with this root term for hunting: to see or to look at something; to go to get or to fetch something; to need something; to want something; and to grow or continue to grow.

That hunting should be thought of as a process of looking is apparent. Hunting is typically a process of seeing signs of the presence of animals—tracks, spoor, feeding or living areas—and of then seeking to encounter the animals to kill them. But the proposition that hunting is “looking” also emphasizes uncertainty. The Cree view is that most animals are shy, retiring, and not easily visible, and hunting therefore involves an expectation as well as an activity.<sup>1</sup> The hunter goes through a process of finding indications of possible encounters with animals; if the animal appears and the hunt is successful, they fulfill their anticipation. We will see below how this anticipation plays a role in Cree understandings.

That a successful hunt should also be conceptualized as getting or fetching animals is also apparent, but part of what the Crees mean by this is different from what non-Crees might assume. To get an animal in the view of many Crees does not mean to encounter it by chance, but to receive it. The animal is given to the hunter. A successful hunt is not simply the result of the intention and work of the hunter; it is also the outcome of the intention and actions of animals. In the process of hunting, a hunter enters into a reciprocal

relationship: animals are given to hunters to meet their needs and wants, and in return hunters incur obligations to animals. This understanding of hunting involves a complex social and moral relationship of reciprocity in which the outcome of the hunt is a result of the mutual efforts of the hunter and an active environment. This is a subtle and accurate perspective, somewhat like the ecological insights that have become prominent recently both in science and popular culture.

It may seem odd or self-serving that animal kills should be conceptualized by hunters as gifts, and it is important therefore to note that Crees do not radically separate the concepts of "human" and "animal." In their everyday experience on the land they continually observe examples of the intelligence, personalities, and willpower of animals. They say that animals are "like persons"; animals act, they are capable of independent choices, and they are causally responsible for things they do.

For the Cree hunter these are everyday observations. Evidence of intelligence is cited from several sources. One type is that each animal has its own way of living and thinking. Each responds to environmental circumstances in ways that humans can recognize as appropriate. Each has its own preparations for winter: beavers build complex lodges; bears build dens; ducks and geese migrate. Each also relates to, and communicates with, members of its species. For example, beavers establish three-generational colonies built around a monogamous couple. Geese mate for life and have complex patterns of flock leadership. And inter-species communication is indicated by the intelligent response of animals to the efforts of hunters. Some beaver will place mud on top of a trap and then eat the poplar branches left as lure and a gift by the hunter. Each animal has special mental characteristics: beavers are stubborn and persistent, bears are intelligent, wolves are fearless,

grouse are stupid. Further, animals have emotions and may be "scared" or "mad" when they avoid hunters.

That animals give themselves is indicated in part by their typical reactions to hunters. When a bear den is found in winter, a hunter will address the bear and tell it to come out. And bears do awake, come out of their dens sluggishly, and get killed. That such a powerful, intelligent, and potentially dangerous animal can be so docile is significant for Crees. The behaviour of moose is also telling. Moose bed down facing into the wind, so that air does not penetrate under their hair. When a hunter approaches from downwind, he comes upon it from behind. A moose typically takes flight only after scenting or seeing a source of danger. It therefore rises up when it hears a hunter approach and turns in the direction of the noise to locate and scent the source. In this gesture, taking 10 to 15 seconds, the moose gives itself to the hunter by turning and looking at the hunter.

The extensive knowledge Cree hunters have of animals becomes, therefore, a basis for their understanding that animals are given. The concept of an animal gift indicates that killing an animal is not solely the result of the knowledge, will, and action of humans, however necessary these are, but that the most important reasons for the gift lie in the relationships of the givers and receivers. Because animals are capable of intelligent thought and social action they are not considered as being like children, as is common among other Canadians. For Crees animals are autonomous persons who live free lives on the land, and who act as responsible and caring adults. It is not only possible for them to understand humans and their needs, but for them to give themselves for humans. Doing so helps humans and it creates the conditions for animals and humans to coexist. Saying that the animals are gifts therefore emphasizes that the hunter must responsibly adapt his hunt to

what he learns from and knows about the animals he hunts. To see how this works we must examine the Cree world.

### *The Hunters' World*

Because animals are gifts, it is appropriate to ask Cree hunters, "Who gives the animal?" Their answers lead us to important features of Cree logic and cosmology. Recurrent answers are that animals do not only give themselves, but they are given by the "wind persons" and by God or Jesus.

Just as animals are like persons, so are phenomena that we do not consider to be living. Active phenomena such as winds and water, as well as God and various spirit beings, are all considered to be like persons or to be associated with person beings. Because all sources of action are like persons, the explanations of the causes of events and happenings are not in terms of impersonal forces, but in terms of the actions of social persons. Explanations refer to a "who" that is active, rather than to a "what" (Hallowell 1955). The world is volitional, and the perceived regularities of the world are not those of natural law but, rather, are like the habitual behaviour of persons. It is therefore possible to know what will happen before it occurs, because it is habitual. But there is also a fundamental unpredictability in the world; habits make action likely, not certain. This capriciousness is also a result of the diversity of social persons, because many phenomena must act in concert for events to occur. The world of personal action is therefore a world neither of mechanistic determination nor of random chance: it is a world of intelligent order, but a very complex order, one not always knowable by humans.

This way of thinking and talking captures the complex relationships among phenomena that are experienced in the environment and the world. In different cultures people understand environments using analogies from their own experiences. Scientists, for example, use mechanical metaphors

when they talk of the environment as having energy flows, or having nutrient or material cycles, and they employ market metaphors when they talk of investing in the environment or the decline in biological capital, and organic metaphors when they talk of biodiversity and an ecosphere.

The Crees, for their part, know the environment as a society of persons, and this view emphasizes the relationships humans have to non-human phenomena and the detailed interactions they have with them every day. Their view does not try to know an environment from outside but as a society of which Crees are part. It does not imagine environments without humans, nor does it envision the possibility of protecting environments by trying to remove humans. Environments are social networks of relationships that must be understood and respected by living in them.

For example, the relationship of the wind persons to human activities and animal lives is constantly confirmed by everyday experience. The wind persons bring cold or warmth and snow or rain, and with the coming and going of predominant winds the seasons change. They are responsible for the variable weather conditions to which animals and hunters respond. The bear hibernates and is docile only in winter when the cold north wind is predominant. The geese and ducks arrive with the increasing frequency of the warm south wind and leave with its departure. In a myriad of ways, the animals and hunters, and the success of the hunt, depend in part on the conditions brought by the winds.

When a hunter is asked by young people who have been to school why they say that animals are given by the winds, the answer often is that they must live on the land to see for themselves. These relationships can be discovered by anyone who spends enough time on the land. The wind persons also link God to the world. They are part of the world "up there," but they affect the earth

down here. They thus link the spirits and God who are up there to the humans and animals who live on earth.

“God” and Jesus are the ultimate explanation for all that happens on earth, but He also gives all the personal beings of the world intelligence and will in order to follow His Way, or abandon it.<sup>2</sup> Persons are responsible for their actions. God therefore plays a key part in the gift of animals to hunters, but only a part. He is the leader of all things, and He is assisted by the wind persons and a hierarchy of leaders extending to most spirits, animals, and humans. The idea of leadership is persuasive in the Waswanipi world, alongside egalitarianism and reciprocity, and the hierarchy of leaders is spoken of as one of power. Hunting therefore depends not only on the hunter and the animals, but on an integrated chain of leaders and helpers acting together to give and to receive animals.

In this chain, human beings fit somewhere in the middle, closely linked to those above and below. Humans are mutually dependent on animals, who are generally less powerful than humans, and on spirit beings, who are generally more powerful. But the linkages are close and the positions flexible. As Cree myths indicate, some less powerful spirit beings were formerly humans who have been transformed into spirits. Animals used to be “like us,” and in the “long ago” time they could talk with one another and with humans.

### *The Power of Hunting*

The power of God and humans is manifest in the relationship between thought and happenings in the world. What God thinks or knows happens; His thought is one with happenings and thus He is all-powerful. Spirit beings participate in this power to a lesser degree; only some of what they know and think will happen. Their thought and happenings frequently coincide. God and spirit beings may give their powerful knowledge to humans in dreams, in waking thoughts, and by signs in the world, but

they never tell all that humans would like to know. People can often be said to “discover” their understandings rather than create them; thus thought or insight “come to us” as a gift from God and spirits, in everyday thoughts, or in dreams. Thinking and prayer may be one. The knowledge that spirits and also animals give anticipates what is happening with some effective, but always unknown, degree of certainty.

Humans not only differ from animals by the degree of power they receive but also from each other. Powerful and effective knowledge increases with age and with the care and attention individuals give to interpreting and cultivating their communications with God, spirit beings, and animals. These differences in power and wisdom are reflected in the patterns of leadership within human communities.

The meaning of power in the Cree perspective, therefore, differs in important ways from that common in North American societies. People in the latter typically think of power as the ability to use relationships to control others and/or the world. For the Cree it is more complex. Human knowledge is always incomplete, and there is often a gap between what humans think and do and what actually happens. In hunting, for example, a hunter will frequently dream of an animal that will be given before he or she begins to look for it. When they then go out hunting they may find signs that confirm this expectation. When the things they think about actually come to be—when they are given the animal—that is an indicator of power. The power is an emerging coincidence between the anticipation (social thought and action) and the configuration of the world (other persons and events), a congruence that this anticipation helps to actualize. Thoughts, actions, events, and persons are all social processes. The social person who thinks and the personal environment in which he or she acts are not radically separable. Power is not an individual possession, it is a gift, and in

this view a person cannot usually bring thought to actuality by individually manipulating the world to conform to personal desires. At each phase of happenings, humans, spirit beings, and other beings must interpret and respond to the communications and actions of other beings around them. "Power" is a social process, a relationship in thoughts and actions among many beings, whereby potentiality becomes actuality.

Hunting is an occasion of power in this sense, and the expression of this is that animals are gifts, with many givers. Power in this Cree sense may have analogies to a concept of truth, i.e., thoughts that come to be. We might say that in this view the power that is worth seeking is truth unfolding in social relationships, rather than power as a seeking of control of one person over another.

This complex understanding of hunting links intimately with basic Cree attitudes toward human life itself. The symbols conveying Cree concepts of hunting also order the Cree understanding of the life and death of animals and of the hunters themselves. The life and ultimate death of both the hunted and the hunters are as enigmatic for the Crees as they are for everyone else. That humans must kill animals to feed themselves and their families in order for humans and animals as social collectivities to have healthy lives, and that humans themselves all die, are fundamentally mysterious features of life (Tanner 1979). Cree symbols of hunting elaborate this and bring the wonder of life and death into the world of everyday meanings.

The hunt is conceptualized as an ever-changing cycle at many levels. Successful hunters will bring game back to their families and others in camp. Having received gifts, hunters are obligated to respect the givers by reciprocating with gifts of their own. These gifts go partly to other Crees, as most large kills are shared with kin, neighbours, or with the wider Cree community. By giving meat to others they are said to find more animal gifts in return. Many hunters also reciprocate to the

spirits who have participated in the hunt, often by placing a small portion of meat into the stove at the first meal of each day. The smoke of the gift goes up the stovepipe as a sign of appreciation and respect to the spirits "up there." This return offering is part of an ongoing relationship of reciprocity: it not only expresses respect and repays an obligation, it continues the exchange as a statement of anticipation that the hunter will again receive what is wanted when in need. Many Cree rituals follow a similar structure.

In hunting, when bad luck occurs with a particular animal, hunters turn their attention to other species or they hunt in another area until the animals are ready to be caught again. This allows animal numbers to grow. But if animals want to be caught and are not hunted, that is also bad luck, because they become overpopulated and more easily succumb to diseases or predation, as well as having fewer young survive. Thus, proper hunting is responded to with increases in the health and numbers of the animals. However, if a hunter kills animals that are not given, if they over-hunt, then the spirits and the animals of that species will be "mad" and the hunter will have no luck. Thus, in hunting, the life and death of animals forms a delicate reciprocal process.

The alteration in hunting luck brings us to the last of those meanings of the word "hunting." Hunters say that when they decrease their hunting they do it so that the animals may cease being mad and may grow again. Hunting involves a reciprocal obligation for hunters to contribute to the conditions in which animals can grow and survive on the earth. The fulfillment of this responsibility provides the main criterion by which hunters evaluate one another. In everyday conversation people speak extensively about the reputations and actions of hunters. What is emphasized is hunting competence (Preston 2002). A hunter who masters a difficult skill and through his or her ties with spirits receives hard-to-get gifts exhibits his

or her competence and participates in power. Men and women who are respected for exceptional competence are contrasted with those who take chances, who fool around with animals by not killing them cleanly, and who seek self-aggrandizement by making large kills or wasting animals. Hunters who consistently have good luck but not excessive harvests also demonstrate competence because they maintain that delicate balance with the world in which animals die and are reborn in health and in continuing growth.

This image of the competent hunter serves also as a goal of the good life, or *meeyou pimaat-tahsee-win* (see Awashish 2006). The aims of both hunting and of life are, in part, to maintain a continuing sensitivity to and a balanced participation with the world, in which humans and animals reciprocally contribute to the well-being and survival of the other. The aim of life is the perpetuation of a healthy, meaningful, and bountiful world. This aim includes those now alive and those yet to be born. The social universe thus extends beyond the human world, beyond the temporal frame of an individual human life.

Hunting is not just a central activity of the Crees, nor is it simply a body of knowledge or a spiritual activity. Hunting is an ongoing experience of truth as power in the course of human lives and in the social world in which they are lived.

### **Hunting Practices: Subsistence Economy, Kin and Society, and Environmental Conservation**

Contemporary understandings of hunting and gathering peoples can be dated from the mid-1960s when it was “discovered” that the hunting and gathering peoples of Africa and Australia efficiently, abundantly, and reliably produced their subsistence. This came as a revelation to both popular and professional ideas about hunting life. The hunting way of life was often thought to be precisely the opposite—inefficient, impoverished,

and completely unpredictable. Studies of the Crees tended to confirm the application of the new view to Subarctic hunters as well, although with some qualifications.

#### ***Efficiency, Abundance, and Reliability***

It was found that hunters do not encounter game haphazardly but by careful planning, knowledge, and organization. Hunting is organized so that each species of game is used at times likely to produce an efficient, abundant, and reliable supply of food. Thus Crees know how to kill moose in almost any season, but they tend to concentrate their hunting at specific periods. One period is during the fall mating season, or rut, when moose call to attract partners. Hunters often look along shores for signs indicating the places where moose have visited to drink; they then wait or return at appropriate times to call moose to the location. After the rut, moose are not hunted extensively until deep snow has accumulated. As the snow deepens, the widely dispersed populations progressively concentrate and are often found on hills where the wind has blown away some of the snow accumulation. When the snow in these concentration areas exceeds one metre in depth, moose tend to restrict their movements to a series of trails. Under these conditions Crees know where to look for moose, and moose move outside the trails only reluctantly. If moose do take flight, hunters on snowshoes can exhaust them by pursuit until they stand their ground, face the hunter, and give themselves to the hunters.

A third period of intensive moose hunting occurs in late winter when snow may form a crust. Moose can walk, breaking through the crust with each step, but if they run they tear their legs against the jagged edges of the crust. Again, they will often stand their ground and face the hunter.

Cree moose-hunting practices therefore depend on extensive knowledge of the animals’ habits in relation to weather, habitat, and the actions of

hunters. Hunting is concentrated in periods when moose most clearly give themselves to hunters and when hunters can best fulfill the obligation to kill them with a minimum of suffering.

The proficiency and knowledge of Cree hunters make their hunting quite reliable. Bush food is also abundant, providing hunters' families with 150 per cent of the calories they require and eight times the daily protein requirement. Up to half the food some hunters harvest is circulated in gift exchanges to kin and friends back in the settlement, and some is kept for later village consumption, so everyone in the community can receive some "bush food."

#### ***Social Relations, Hunting Reciprocity, and Conserving Animals***

The Cree have a distinct system of rights and responsibilities concerning land, resources, community, and social relations—a legal system of land and resource tenure, and of self-governance. This system enables hunters to fulfill their responsibilities to animals and spirits and to contribute to the conditions necessary for their mutual survival and well-being.

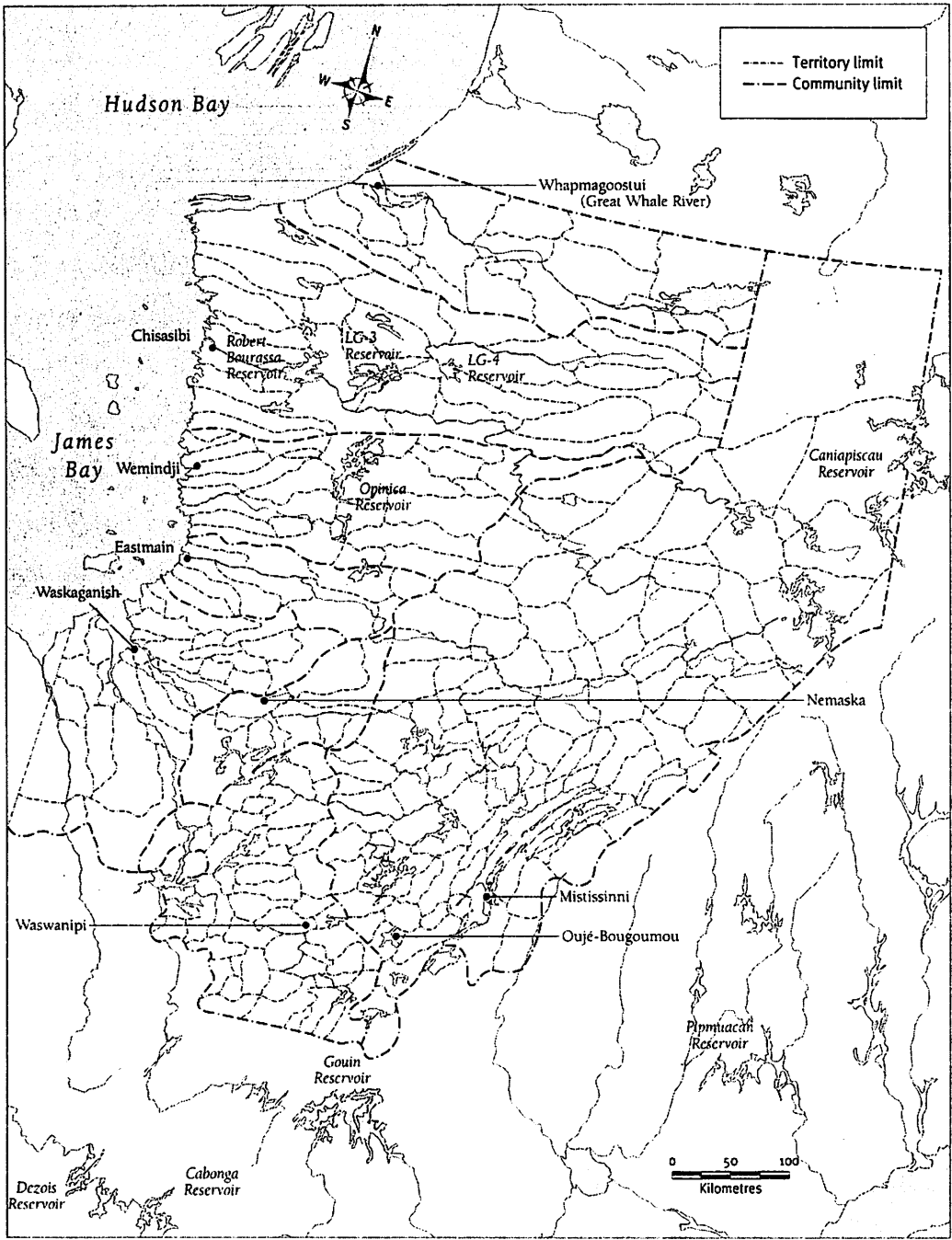
Cree society is organized around principles of community, responsible autonomy, and reciprocity. The central resources of land and wildlife are not owned. The land and the animals are God's creations, and, to the extent that humans use or control them, they do so as part of a broad social community united by reciprocal obligations. These gifts and obligations are not solely individual; they involve the wider human community as well, so that all people have a right of access to land and resources to sustain themselves. This right extends to all Crees, and to others, but along with the rights go responsibilities to contribute to the continued well-being of the land, animals, and other people. The exercise and fulfillment of such responsibility implies a willingness to exercise self-control and participate in a community of responsibility.

The Crees are efficient enough at hunting that they could deplete the game. Restraint is both an individual and a community responsibility and is assisted through a stewardship system. All hunting land is divided into territories (*Eeyou Indoh-hoh Istchee*) under the governance and stewardship of custodians (*Indoh-hoh Ouje-Maao*). The approximately 300 territories vary in size from about 300 to several thousand square kilometres, each supervised by a custodian (see Map 7.1). They are part of larger blocks, each associated with a community. While rights to land and resources are distributed to the whole community, as a continuing society extending over generations, the stewards exercise authority over the territories in the name of their family, the community, and the common interest and are thus obligated to protect and share the resources.

In general, all community members have the right to hunt on any land on a short-term basis, while travelling through, while camping for brief periods, or while using small game or fish resources. However, extended and intensive use of the larger game resources is under the supervision of the stewards.

Stewards usually have grown up in a territory on which they hunt repeatedly over many years before they inherit their role. They have built up extensive ties with the spirits of the land and acquired a vast knowledge of it. Most are constantly aware of the changing conditions and trends in the game populations. They discuss these trends with other stewards and Elder hunters, comparing patterns in different territories and relating them to changes in weather, vegetation, and hunting activity. Some of the trends observed by the stewards are the same ones used by wildlife biologists to monitor game populations, although few biologists have such long-term and detailed knowledge of a particular area. The trends are also important because they are communications from animals and spirits. Thus, if too many animals were





MAP 7.1 Approximate Territory Areas of James Bay Cree Hunters



**FIGURE 7.1** The late Joseph Ottereyes from Waswanipi hunting geese while travelling to get wood for his fall bush camp. (Courtesy H. Feit)

killed in the past, the animals would be mad and have fewer young or make signs of their presence harder to find. This would indicate that the animals wish to give fewer of themselves, and, out of reciprocal respect, the hunters would take less.

Stewards use their knowledge to direct the intensive hunting of the animals on their territories. Each steward has the right to decide if the territory will be used intensively in any season, how many and which people can use it, how much they can hunt of each key species, and where and when they can hunt. However, stewards do not exercise these powers in an authoritarian manner. Stewards usually act by suggestion and by non-personal public commentaries on the situation, and their knowledge, their spiritual ties to the land, and the sacred sanctions for their statements give them considerable influence.

The system is part of the network of social reciprocities. At the individual level, the system of allowing hunters to join groups generally assures each a place to hunt every year. For the community as a whole, the system permits the distribution of hunters to respond to changes in the conditions of the game populations. The right to steward land and animals is inherited as a gift from previous generations, and the present stewards view their own actions as implying the same respect and responsibility to future generations. A territory is an inheritance and a legacy to be cared for.

In practice, the system of hunting-territory stewardships works to maintain an ongoing balance between harvests and game of those species that can be conserved. Several studies supply quantitative evidence that the Cree system works for the moose, beaver, fish, and geese populations.

by keeping harvests below sustainable yields of the game populations. The best indicator of success is the relative stability of big-game populations over the two decades during which estimates were made before the influx of sport hunters and forestry into the region accelerated. These data indicate that the ecological balance sought by the Cree can, in general, be achieved. Furthermore, the Cree have been highly responsive to changing environmental and historical circumstances in pursuing a balanced hunt.

The Cree have also responded to important demographic, technological, and economic changes. They have generally maintained viable game populations through a period in which their own numbers have risen by as much as fivefold since the early twentieth century. To increase their food production they have intensified and diversified their use of some game populations but have also limited their bush food production to sustainable levels. They now purchase a significant proportion of their food when on the land.

The more intensive harvesting has occurred with the aid of important additions to their technological repertoire, including improved rifles and shotguns, new traps, and mechanized means of transportation. But the use of this technology still depends on Cree knowledge, cultural values, and social practices. The technology, therefore, has not led to over-hunting. The Crees have also maintained the balance despite periods of cash shortages. In such times they have done without some trade goods rather than exhaust animal resources. And they have continued to treat cash and trade goods as socially modified forms of property, often using them for co-operative ends by distributing and consuming them through sharing practices.

The Crees have thus maintained their hunting and the animals in their region despite important changes in their environment and in historical circumstances. However, rare periods of breakdown in the balance of hunters and animals have also

occurred. The most serious of these happened in the 1920s and 1930s, when beaver were severely depleted. Non-Native trappers, encouraged by temporarily high fur prices, entered the region from the south, trapped out a place, and moved on. Some Crees say that they themselves trapped out the beaver in their areas because they did not see the possibility of maintaining animal populations if non-Native trappers continued to deplete their lands. But they continued to conserve moose and other game that were not hunted by the intruders. This example emphasizes the limits of the means at the disposal of the Crees for maintaining viable long-term balanced relations with animals. The culture and social organization of the Crees are effective aids for their self-governance, but they did not regulate or control the impact of what outsiders do on their lands. Further, where outsiders did not act responsibly and with respect, and when they did not acknowledge and act on their relationships to the Crees and the land, their activities threatened the animals and the Crees themselves.

The Crees recovered from the impact of these intrusions when non-Native trappers were banned from the area, but a crisis developed again in the 1970s when the government of Quebec started to build a massive hydroelectric project on their hunting lands. To understand the events of this second crisis, we have to turn from an examination of Cree culture and hunting to an account of the relationships of Crees to governments and developers.

## **The Crees Struggle to Maintain Autonomy in the Face of Government Intervention**

### **Crises in the Fur Trade and the Incorporation of the Crees into Canada and Quebec**

Fur traders have been present in the James Bay region since the mid-seventeenth century, and missionaries have visited trading posts since the

mid-nineteenth century; but the arrival of the government and corporate resource developers characterizes the twentieth and twenty-first centuries. In the early 1930s the Quebec government's first intervention in the region occurred when it responded to requests from Crees and fur traders to help solve the beaver crisis created by non-Native trappers. In doing so the government recognized Cree hunting territories and their leaders. Quebec first made the killing of beaver by non-Indians illegal and then in the mid-1930s outlawed all killing of beaver. When hunting resumed, after 10 to 20 years depending on the region, the response had worked: beaver were numerous, and they wanted to give themselves again. The Crees and the government had worked together to re-establish beaver populations and agreed on the timing for beaver hunting to be reinstated.

For the Crees, the government was recognizing their system by working with the custodians to conserve beaver and organize the new hunt. By recognizing the system of hunting-territory custodians, governments were also giving Crees an additional source of authority that they could use to limit the hunting activities of people from outside their communities, including non-Natives, who often were less responsive to their social and spiritual authority. But, an important and not yet fully apparent conflict developed between the Crees and the governments. The governments used the Cree system of hunting territories and custodians, but they thought that now Cree hunting was regulated and supervised by government regulations and authority, and that these determined the Crees' rights to hunt. The Crees thought the government had clearly recognized their system of tenure, custodianship, and self-governance, and initiated a form of relationship and co-governance.

An element of the government response to the crisis of the 1930s was to establish a band government structure for each community and to start issuing rations and, later, social assistance. In fact,

however, a chief and council system had been adopted in most communities before this time. Nevertheless, these responses also represented a turning point in Cree society. They bound the Crees within the fabric of Canadian political society, law, and economy for the first time, and in circumstances that did not make clear how government views threatened their autonomy. The Crees were still exercising extensive control and autonomy in their hunting society and on their lands, but they were now doing so, in part, within the Canadian polity.

### **Government Assistance Turns to an Assertion of Dominance**

Government presence in the region accelerated rapidly throughout the 1950s and 1960s as governments sought to develop and "open the North." This involved making the region more accessible to southern Canadians and corporations. It also involved extending government administration and authority. These changes were not intended to aid the Crees but to promote the interests of southern Canadians and corporations. Programs specifically affecting the Crees were not developed in consultation with them, and were aimed at their assimilation rather than at supporting their self-governance or recognizing relationships of co-governance.

The expansion of the rail and road networks into the southern portions of Cree territory occurred in the 1950s and 1960s, and several mines, mining towns, commercial logging operations, and pulp mills were established. Their impacts on the Crees were neither foreseen nor considered. Hunters said animals became much less calm and less willing to be caught over large areas affected by noise generated by logging, railways, road traffic, and airplanes. Logging disrupted and destroyed large areas of forest animal habitats. Crees reported frequent finds of dead fish and aquatic animals and changes in the taste of animals over large areas. The extensive

Cree use of the environment and their knowledge of it made clear to them the extent of the impacts these developments were having, but no mechanism was established by governments or companies to give them a voice in the projects. That the government did not consider the Cree system of land use and management as a system of land tenure, rights, and governance, and that it did not consider that government and developers had relationships and mutual obligations with the Crees, was becoming clear.

The opening of the region to development projects not only affected the land, it affected the choices open to the Crees. When fur prices declined in the 1950s and 1960s, hunters began to meet the cash shortage by taking summer employment. They chose jobs primarily in work that was compatible with continued hunting, used their bush skills, allowed them to work in Cree groups, and was not organized by industrial time or authority structures. Although they continued to hunt, the number who did not pursue hunting as their main occupation rose significantly. Other changes also influenced this process: the formation of reserves, the construction of permanent settlements, and the establishment of schools.

Taking these jobs provoked a new crisis. Agents of government saw this as the first step in an irreversible process of abandoning hunting for wage labour. This fit the popular image of hunting as an unreliable, unproductive, and insecure means of living, one that any person would willingly give up for a steady job and a better life. Combining hunting and employment as a way of life was not considered a viable option by governments. Crees developed it as their option, and they knew the combination was better than just depending on jobs. During their summer jobs in the 1960s they were aware of often being given the hardest work, of being paid lower wages than non-Natives, and of being the first fired. The non-Native sawmills, exploration companies, fisheries, and hunting

outfitters for whom they worked were constantly failing or moving. In their experience hunting and work could be compatible, and hunting was more reliable than many kinds of employment.

Although some schooling had been provided earlier, during the 1960s a significant portion of Cree youths began to attend schools. The government tried to force parents to send their children, sometimes threatening to cut off social assistance if they did not. Most parents wanted their children to have some schooling, and an increase in the number of children also affected their willingness to send some to school. The trauma of residential schooling away from Cree homes, in programs not significantly adapted to Cree culture, separated parents from their children in more than a physical sense. The longer children stayed in school the harder it was for parents and children to understand each other. As people saw what was happening, up to one-third of a community's children were kept out of school each year to live in their family and to learn hunting skills and the hunting way of life. Thus, the Crees kept some control over the type of education their children got.

The result was not to limit the continuation of the hunting economy but to diversify the range of skills and interests of the young adults. The effect of schooling paralleled that of the crisis in fur markets, creating a need for a more diversified economy in which both hunting and employment would be viable activities. However, schooling also created new resources for continuing efforts to define their own future. One effect was to bring a generation of Crees with high school, and some with higher education, back to the communities and into active roles in social and political life.

### **Cree Opposition to Quebec's Quest for Power**

When the government of Quebec announced its plans for hydroelectric development in the James Bay region in 1971, it followed its practice



**FIGURE 7.2** The late Emily Saganash from Waswanipi preparing a beaver as her granddaughter watches. She will remove the pelt for commercial sale and cook the animal for sustenance. (Courtesy H. Feit)

of neither involving the Crees in the decision nor examining its impact on them, nor recognizing any relationships or obligations to them.

Several young Crees called a meeting of leaders from each village to discuss the project. At the time, the Crees comprised eight separate communities and bands having limited regional integration or political structure. At the meeting, all were opposed to the project because of the severe damage it would cause to the land, the animals, and the Crees. In their view, the project was to serve non-Natives and they would not benefit substantially. They discussed ways to oppose the project and attempted to get discussions going with the Quebec government and its Crown corporations. They wanted to avoid complete opposition to the project, to see if they could re-establish respectful relationships and co-governance with

governments, and to get modifications to reduce the project's impact. However, the government refused to do anything but inform the Crees as the plans developed. The Crees were left with no choice but to oppose the project (Feit 1985).

Joined by the Inuit of northern Quebec, as Inuit also lived on some of the rivers to be diverted by the project, in 1972 they initiated a legal injunction in Canadian courts. Basically, they had to prove that they had a *prima facie* claim to rights in the territory, that the project would damage their exercise of these rights, and that these damages would be irreversible and irremediable. They asked the court to stop construction until further hearings on their rights could be completed.

The court hearings provided a detailed description of the project planned for the La Grande region. The La Grande complex involved diverting three major rivers into the La Grande River to increase its flow by 80 per cent. The construction of roads and power transmission lines would require cutting three or four corridors 960 kilometres long through the forest. And all this was only the first of three phases.

In the Crees' view, many of the damages were like those they had previously identified from earlier developments, although now over a much larger area. In addition, the particular effects of flooding were of special concern because about 50 per cent of the region's wetlands would be under water, destroying important beaver, waterfowl, and game habitat. The number of animals would be significantly reduced, and the variability of water levels in the reservoirs would restrict the ability of many animals, particularly beaver, to re-inhabit the areas. In short, they argued that animals would be adversely affected, and that hunters would suffer a serious and permanent loss of subsistence resources and a major threat to the continuity of their culture and society. Dozens of Cree hunters went to Montreal to testify, explaining to Judge Albert Malouf, government representatives, and

the public how they lived on the land and why they had to have a say in what was done there. Their tone was not confrontational but truthful and firm.

Their lawyers then argued that the Crees had been exercising rights to the land since time immemorial, including the rights to hunt, fish, and trap, which constituted an Indian title over the land. At that time, the case was one of the most important on the concept of Aboriginal rights and Indian title.

The government lawyers argued that the project would affect only a small percentage of the land directly, that it would improve its productivity in many respects, and that in any case the damages were temporary or remediable. They claimed that the Crees no longer lived primarily off the land: they lived in settlements, had houses, used manufactured clothes and equipment, and now ate purchased foods predominantly. They argued that Cree culture had been substantially transformed and replaced by Canadian culture. They said the Crees were dependent on government financial assistance and support for their settlements. They argued that the use of wildlife, especially beaver, was completely institutionalized by the government as a result of establishing beaver reserves. They claimed that most Crees now had jobs. Finally, they argued that the Crees had no Aboriginal title to the land, or at most had a right to some monetary compensation and small reserves such as were provided in other treaties made elsewhere in Canada.

In November 1973, Judge Malouf ruled that the Cree and Inuit people did appear to have Aboriginal title to the land; that they had been occupying and using the land to a full extent; that hunting was still of great importance, constituted a way of life, and provided a portion of their diet and incomes; that they had a unique concept of the land; that they wished to continue their way of life; that any interference with their use comprom-

ised their very existence as a people; and that the project was already causing much interference. He ruled that the province was trespassing. The ruling was a stronger affirmation of Cree rights than many people had thought possible at that time and forced the government to negotiate with the Crees.

To people in the villages the ruling was a great victory, but it was also a straightforward recognition of the truth about their way of life and the dangers inherent in development conducted without their involvement and consent. It was also interpreted as a statement of good sense, reaffirming that relations between Crees and non-Natives could be guided by the principles of respect and reciprocity that should inform relationships among all beings in the Cree world. Reciprocity implied mutual respect for the needs and autonomy of others, ongoing obligations and relationships to others, and the possibility of sharing the land and its governance responsibly (Scott 1989).

## **Crees' Autonomy and the Aboriginal Rights Agreement**

### **Negotiating Recognition of Aboriginal Rights**

The Crees approached negotiations cautiously, despite the effort they had put into trying to get discussions started. They were in a difficult position as they were already experiencing the impacts of massive construction work on the project, which had been permitted to continue while Justice Malouf's ruling was appealed.

Early in the negotiations the Crees formed their own political association, the Grand Council of the Crees of Eeyou Istchee (GCC). The full Cree name for the Grand Council means roughly "the people from inland and the people from the coast helping each other," and Eeyou Istchee means "Cree land."

Negotiations continued for nearly two years through 1974 and 1975, and there was a sense that neither the government nor the Cree could agree

on more.<sup>3</sup> The negotiations included several changes to project plans. The location of a main dam was changed. Funds were provided for remedial work to be undertaken as future impacts were experienced, and the negotiators agreed that any future changes would require new approvals.<sup>4</sup> These limited compromises meant very substantial impacts on the land and wildlife of the region.

The government recognized the right of all Crees to hunt, fish, and trap all kinds of animals at all times, over all the lands traditionally harvested by them, on the understanding that their harvesting rights would be subject to conservation of wildlife. Conservation was an objective Crees were pursuing themselves, and they negotiated agreements on the meaning and means of implementation of conservation that recognized their practices and needs. In addition, it was agreed that Cree harvesting would take precedence over sport hunting and fishing by non-Indigenous hunters, but not that they had priority over other uses of natural resources (see below). Approximately 17 per cent of the land area, called Category I and II lands, was set aside for exclusive Cree use. From the government point of view the Cree recognition of the principle of conservation and of non-Indigenous access to some game made the wildlife provisions acceptable. From the Crees' point of view the government recognition of their rights and of their priority of access to wildlife over sport hunters made the provisions acceptable.

Differences also arose over whether the governments or the Crees would have jurisdiction to implement these provisions. The terms agreed to would have to be interpreted and applied each year, as game populations shifted and hunting activities varied. The Crees argued that the fact that game existed in the region today demonstrated the effectiveness of their governance, and they claimed a right to manage the wildlife and to continue to co-govern the region. The representatives of Quebec and Canada argued that par-

liamentary legislation gave the responsibility to manage wildlife to the governments.

This conflict was addressed in two procedures. It was agreed that all parties would recognize the Cree system of hunting territories and that there would be a minimum of government regulation. Second, the provincial and federal governments would exercise legal authority and enforcement powers over all the region except lands immediately adjacent to Cree communities, but only after receiving the advice of a joint committee composed equally of Crees, Inuit, and government appointees. This would be a part of their new and ongoing relationships. On lands adjacent to communities, the Cree governments would act with the advice of the joint committee.

Both the Crees and the governments agreed that development had to be controlled. The Crees did not oppose all development, envisioning sharing the land with non-Natives, but they wanted the right to decide on whether specific projects should be permitted, and if so, under what terms and conditions. And they wanted to be sure that they benefited from projects that went ahead by mutual agreement. The governments argued that they had the right to final decisions authorizing future developments, and they wanted to avoid situations in which the Cree could again tie up projects in courts. The governments hoped the other recognitions in the agreement would lead to Cree acceptance of government authority over the development in the region and prevent future confrontations. The conflict over this issue was not resolvable, and what was established was more co-management than co-governance, although this changed somewhat over time for the better.

The insistence of the governments that the region be open for development limited the land base over which the Crees could negotiate control. The province took the position that land under Cree control should be limited to areas immediately around the settlements and to the adjacent



hunting locations. The greatest amount of land the province would transfer to Cree control, Category I lands, was only 5,500 square kilometres of the approximately 375,000-square-kilometre region.

The Crees sought to reduce their dependence on governmental authority and administration during the negotiations and to take more control of their own affairs in the settlements through increased self-government. They therefore sought regional autonomy and recognition of self-governance through the formation of distinctive, ethnically defined governments and boards for education, health, and other social services. Crees got agreement to special legislation for a Cree-Naskapi Act, extending the powers of their band councils as new community governments and replacing the provisions of the Indian Act and the powers of the Department of Indian Affairs.

The Agreement in Principle, reached after eight months of negotiation, was discussed in each Cree community, where the provisions were outlined in detail. People did not consider the draft agreement to be fair or just but thought it would recognize relationships of governments and Crees, and increase their chances of maintaining their way of life, culture, and economy, given the ongoing dam construction that was already affecting them. The final agreement followed a year later. The outcome was summarized by Chief Billy Diamond of the GCC, announcing to the press that all Cree communities had accepted the Agreement in Principle:

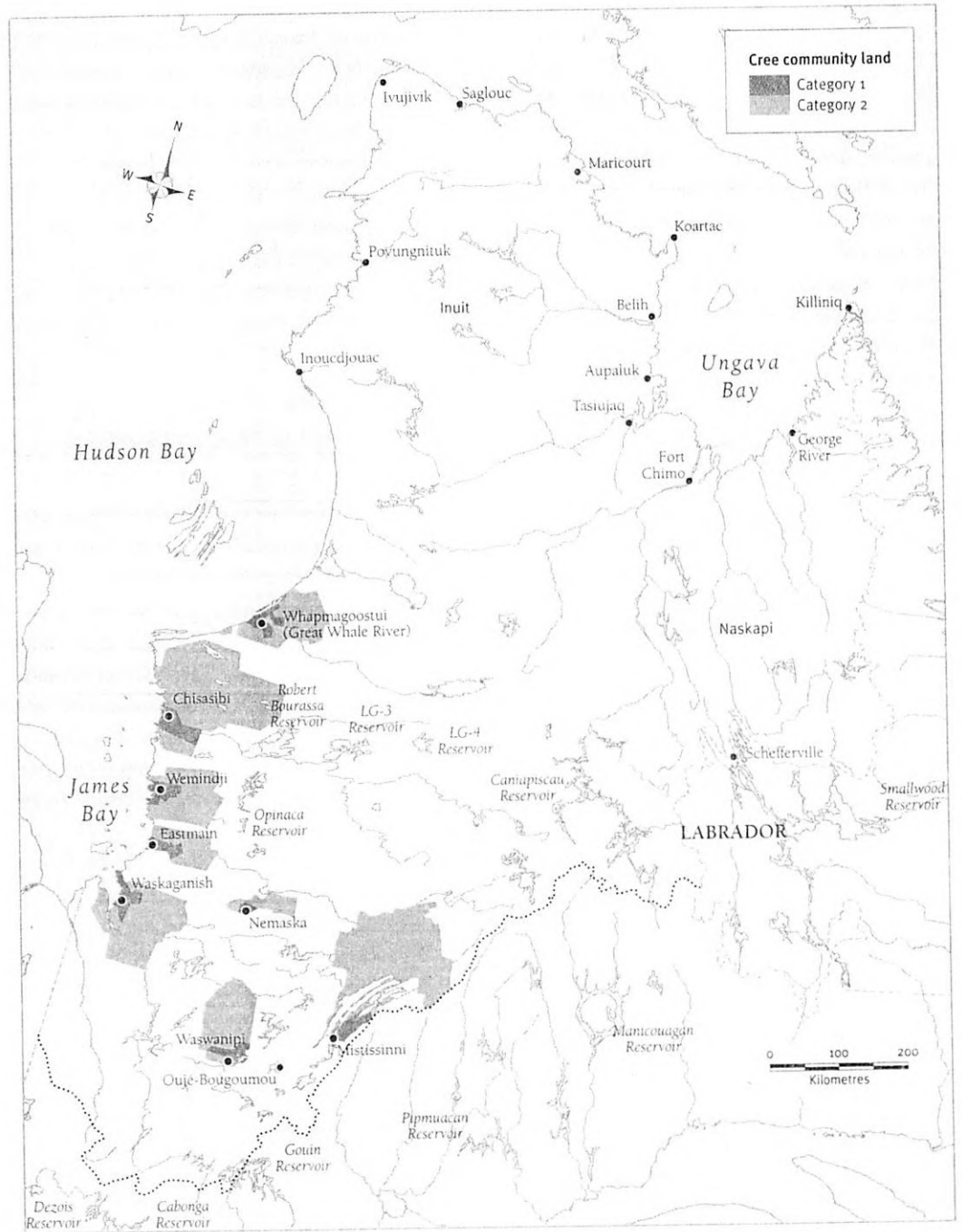
The Cree People were very reluctant to sign an Agreement in Principle. . . . We feel, as Cree People, that by coming to an Agreement in Principle, that it is the best way to see that our rights and that our land are protected as much as possible from white man's intrusion and white man's use ["white man" is a general term James Bay Cree use for non-Indigenous people]. We . . . believe this agreement

supports and strengthens the hunting, fishing and trapping rights in/over all of the territory, and restricts non-Native activity in that area. . . . I hope you can all understand our feelings, that it has been a tough fight, and our people are still very much opposed to the project, but they realize that they must share the resources. That is why we have come to a decision to sign an Agreement in Principle with the Quebec Government. (Diamond 1974:8-9)

### **Implementation: Enhancing Cree Autonomy Despite Government Betrayal**

Accounts of the results of the James Bay and Northern Quebec Agreement (JBNQA) have been presented from several different perspectives. Here I want to emphasize six general but diverse aspects: (1) the agreement considerably aided Cree hunting; (2) it strengthened the Cree collectively and politically; (3) the socio-economic aspects of the agreement have failed; (4) government respect and support for the agreement have been mixed but mostly absent; (5) the Cree lands have been opened to rapid resource developments in which Crees do not have an effective voice; and (6) the Crees are more autonomous than before the agreement, but real threats to Cree autonomy remain.

The protection and recognition of Cree hunting rights and the provision of income security payments for hunters enhanced the perceived viability of hunting as a way of life, and participation in hunting intensified. In 1975, about 700 families or single adults were hunting as a way of life. The number of intensive hunters increased immediately following the agreement to approximately 900 and then to about 1,200, where it has stayed for over two decades. The time spent in hunting camps has also increased, and the average number of days intensive hunters stayed in the bush



MAP 7.2 Division of Cree Lands under the James Bay and Northern Quebec Agreement

hunting during a year increased by 20 to 25 per cent after the income security program was begun. Most of these families live six months or more in bush camps.

The increased number of intensive hunters and the increased time they spend in bush camps present complex challenges to the stewards of hunting territories, who wanted to assure these changes do not result in over-hunting of game. In the initial year after the JBNQA, harvests of the most intensively used wildlife—geese, beaver, and moose—increased significantly. Stewards responded quickly, speaking widely of the problems in the villages, and reorganizing their hunting groups accordingly. By the second and third years, harvests had returned to earlier levels. This adjustment of harvests to the significant and rapid increase in the numbers of hunters and the length of time people spent on the land was a dramatic test and confirmation of Cree conservation practices.

In terms of changes in social relations, several commentators anticipated that the increased cash available to both hunters and to the growing number of employed Crees might result in widespread increases in the independence of individual nuclear families and in reduction of extended social relations and reciprocity. These changes are emerging although they have been slow to develop. The families who hunt intensively continue to do the work necessary to make additional harvests of foods that they give to kin, friends, and those who do not hunt so intensively. In general, customary stewardship therefore continues to express social responsibility and mutual aid despite considerably more intensive use of lands. The gifts of bush foods and other goods are a sign both of the continuing value of those foods and of the value of the social bonds that motivate the distribution and are confirmed by it. The fact that such exchanges are less of a material necessity today highlights their social value.

A rapid increase in Cree population has meant that while the number of intensive hunters has not declined during the nearly four decades since the JBNQA, the total population continues to grow at a rate that the land cannot support, so that the 1,200 intensive hunters and their families are now roughly one-sixth of the adult resident population. The majority of other Crees hunt on a part-time basis. Extensive linkages exist between families living most of the year in the settlements—who hunt on weekends, in the evenings, on school breaks, and holidays, and between jobs—and those kin and friends who live half of the year in bush camps and for whom hunting is their primary activity. Those in the settlements often provide equipment and cash for those in the bush, while the latter provide access to hunting camps and lands, advice and knowledge of hunting conditions, and regular gifts of food to the former. Hunting is critical to the identities and relations of the majority of Crees, and it binds together the diverse sectors of the communities. Whereas cash and market conditions can lead to an attenuation of social relations, hunting reciprocity and kin-based sharing continue to re-create wider social relationships, which are accompanied by a desire to enhance collective local autonomy in the face of forces that might otherwise radically weaken Cree society.

Social linkages are also expressed in the growth of more formal community-based decision-making institutions. Crees took over formal control of the many organizations that provided services in their communities more or less as they had existed, but as Crees received on-the-job training, Cree control has grown and policies and programs have become increasingly innovative (Salisbury 1986).

In the villages, school and health committees composed of local Crees, especially women, play decisive decision-making roles. This has empowered local people and provided them with enhanced skills and experience. These processes

have not been easy, and numerous mistakes have been made. Nevertheless, the overall process has showed how effective self-government can be established.

This process has had important consequences for community economies. The Cree takeover and expansion of administrative services and programs have increased employment opportunities in the communities. The 30 or so Crees who were fully employed as administrators before the agreement have increased to over 800 administrators and supporting employees.

It is clear, however, that the number of administrative positions is insufficient to employ fully all those Crees in the rapidly growing population who do not hunt as their primary activity. The Crees have therefore begun to emphasize the creation of Cree economic enterprises in the communities. The structures being developed sometimes combine elements of modern business practices with structures adapted from Cree hunting society. However, these enterprises are not sufficient to employ the growing numbers of Cree youth, and there are still many obstacles to full Cree participation in the regional resource-based economy. One limitation is the small land base of the Crees and their inability to access natural resources for their development, as almost all resources continue to be allocated to large corporations.

The socio-economic development provisions of the agreement have not greatly benefited the Crees. Nor has the hydroelectric project contributed systematically to community-level economic development within the villages. The economic benefits of the project have been directed to southern urban centres. Indeed, nearly all socio-economic provisions of the agreement have suffered negligence, and often explicit subversion, on the part of governments.

When the first major parliamentary review of the implementation of the agreement was

conducted in 1981, five years after the signing, it was clear that the federal government had not budgeted any special funds to meet its new obligations under the agreement, nor had it established any agency with responsibility for overseeing its role in the implementation processes. As a result of this review several initiatives were undertaken, including setting up the Cree-Naskapi Commission. The commission, an independent organization that reports every two years to Parliament on the implementation of the Act putting the JBNQA into law, reported a decade after the JBNQA:

It is difficult to believe that a federal department responsible for negotiating and implementing self-government arrangements with Indian nations, and charged with improving their conditions, could persistently misinterpret a negotiated arrangement of this nature. The Department's attempt to circumvent clear obligations . . . is unjust, and must not be allowed to continue. Such actions cannot be dismissed as merely an honest difference of opinion. (Cree-Naskapi Commission 1986:27-8)

Similar attitudes and actions prevail with respect to the development of natural resources. The governments of Quebec and Canada have repeatedly tried to avoid their obligations to the Crees, and to the wider public, to regulate developments, instead facilitating large-scale projects that primarily meet the interests of corporations and investors. They have opened the territory to rapid resource developments, and repeatedly ignored, subverted, or minimized legally mandated obligations they undertook for Crees to be involved in decisions.

## BOX 7.1 A Cree's View of the JBNQA

Philip Awashish, a youthful negotiator of the JBNQA and now a Cree Elder wrote that the implementation of the JBNQA has

marginalized Eeyouch [Crees] and has led to their exclusion in the overall governance of the territory and exclusion in economic and resource development and benefits. . . . [The] consultative and advisory bodies have not had any significant impact on the making of policies and enactment of legislation by Canada and Quebec for the proper management of wildlife and acceptable environmental protection. . . . [Provisions for] economic and social development . . . [are] another dismal failure as Quebec continues to pursue and implement policies that exclude Eeyouch from direct participation and full benefits from economic development. . . . Eeyou communities are suffering from the soul-destroying effects of inadequate . . . housing, unsafe or lack of water supply and rampant unemployment. (Awashish 2002:156–9)

He also says that

governments presently continue to exercise outright domination and control over lands and resources of Eeyou Istchee [Cree lands] with the exclusion of Eeyouch in the exercise of power.

Broken promises, lies and deceit perpetrated by greed in pursuit of profit and the exercise of power through exclusive domination and control are serious flaws of the heart and spirit. These flaws of the heart and spirit cannot be rectified by laws, treaties and constitutions of nations and governments. For the truth is that the essential element in any righting of wrongs eludes law and morality because justice lies in the will of the powers that be. Therefore, the powers that be must find within themselves the will, the wisdom, the courage, and good faith and sense of justice to end the politics of exclusion and denial of rights and recognize and affirm the inherent right of Eeyou governance . . . (2002:162)

### A New Kind of Campaign, and a New Agreement

#### Creating a Transnational Campaign against Development

In 1989 Hydro-Québec announced that it would build the second phase of its hydroelectric projects for James Bay, the Great Whale River (GWR) project north of the La Grande (McCutcheon 1991). Its view was that with the JBNQA some rights of the

Crees had been recognized, but the agreement also recognized the right of the government to develop the hydroelectric resources of the region, with or without Cree participation or agreement.

The Crees decided to oppose the project and embarked on a campaign that lasted five years and created innovative ways of seeking recognition for Indigenous rights. At the heart of their campaign was a sophisticated linking of Indigenous rights to the environmental movement and to decisions in

transnational markets. Opposition to the project was led by Whapmagoostui, the community at the mouth of Great Whale River, but was supported broadly. Nevertheless, it was not an easy decision to stand against further development in the region. The failure of the socio-economic development provisions of the JBNQA meant that there was a widely felt need for jobs and contracts that properly regulated natural resource developments could bring, and there were now some Crees with businesses and jobs who voiced support for the development. The discussion was wide-ranging, and in the end there was strong support not just to oppose the project but to stop it.

The Cree people and leadership were in a better position to try to do this than they had been in the early 1970s, but there are few examples of small communities stopping multi-billion-dollar development projects. The Crees had a strong organization, experienced leadership, and a broad base of community support for the campaign. They also had some funds as a result of the JBNQA. The provisions of both the JBNQA and general environmental legislation that had been passed since 1970 required that environmental and social impacts of large-scale developments be assessed before construction could begin. The governments tried to bypass key requirements, but the Crees challenged them in court to assure the full application of the law and prevent construction from proceeding, as it had in the 1970s, while the Crees were opposed.

This time, however, the Cree strategy was not to fight mainly in the courts but to carry their campaign to the public, politicians, and public utilities—the decision-makers in the United States where the energy would be sold—and to the international investors whose capital Hydro-Québec needed. The Crees reasoned that if US contracts for the bulk purchase of this electricity could be blocked, or if it could be demonstrated that project timetables and work could be disrupted and therefore costs would be increased, it would make the

investment of billions of dollars in Hydro-Québec bonds look riskier to the managers of capital from world markets in New York and Europe, thereby making it harder for Hydro-Québec to finance the project.

The Crees set out a multi-scale campaign without a fixed plan, developing it as the situation progressed, approaching it as they did hunting (Craik 2004). Leaders spoke to environmental groups in the United States and built campaign alliances with national and international organizations who opposed the project on environmental and social grounds. They commissioned videos, slide shows, and Web presentations, sought newspaper and magazine articles, and gave talks at massive environmental rallies such as Earth Day in New York City. All were aimed at convincing environmentalists and the public at large that hydroelectricity from northern Quebec was not “clean” power simply because it did not burn fossil fuels or was generated outside the United States. They pointed out that the project involved damming and diverting rivers which in the United States would be protected by environmental legislation. They also noted it would disrupt habitats and wildlife, including migratory waterfowl protected by US and international treaties. They also said it would endanger the “way of life” of Cree hunters.

Not only leaders were involved. Hunters and their families, especially those from communities threatened by the project or who had experienced the effects of development on the La Grande River, travelled to the United States to speak directly with people in towns and cities in the northeastern states where the electricity would be consumed. They travelled through Vermont, Massachusetts, and New York, stopping each night to meet environmentalists, church groups, and social activists. They built understanding, support, and long-term relationships, and some of the people they met made return journeys to James Bay. Some of those they met say that working with the Crees

and seeing the connections between communities so far apart, yet struggling with similar issues of how to keep control of their lands and their lives, has changed how they live and work in their own communities (McRae 2004).

The Cree campaign argued so successfully that Americans must care about what was being done to provide them with power that a significant number of new members joined the major US environmental group that partnered the campaign. The Crees commissioned pollsters to survey public opinion and show that there was growing public opposition in the United States to buying power from Hydro-Québec. They made sure that US politicians up for re-election saw these results and they urged candidates privately and publicly to stand against the contracts.

But public and political support was not enough. The Crees also sought to show that the contracts did not make good economic sense, and that there were alternatives. They were convinced that, without these economic arguments, the political pressure would be ignored or undermined by power utilities and US companies wanting cheap electricity. The Crees commissioned US experts to evaluate critically the Hydro-Québec and US utility company figures on how quickly energy demand would grow and what prices could be charged for it. They studied how demand could be met if more electricity were not available from Hydro-Québec. These technical studies showed that it would be cheaper to apply energy conservation measures in the United States than to buy GWR power, and that conservation could fully meet the expected demand. They also showed that energy conservation would create jobs in the United States. These studies helped to convince some senior officials in US electric utility companies that new contracts with Hydro-Québec were not economically desirable.

The multi-year campaign had many twists and turns, but the Crees renewed their commitment to it each year and pursued an extraordinarily diverse

set of means to their goal of preventing the new dams. They lost some fights opposing contracts and won others, such as when the New York state power authority cancelled a large contract with Hydro-Québec. Several months later, early in 1995, the premier of Quebec, Jacques Parizeau, announced that the Great Whale Project would be delayed indefinitely.

It was an extraordinary victory, and it had ramifications for everyone involved. It was now clear that groups like the Crees could not be simply ignored even in the context of transnational economies and markets. Hydro-Québec opened offices in New York and in Europe, realizing it needed an ongoing presence in the political and economic centres where its power was sold or where it sought to raise capital. This was partly in response to realizing that the victory of the Crees and their international environmental allies had damaged the corporation's image. They also sought to be in a better position to oppose similar campaigns in future. The Cree campaign changed things for social, environmental, and Indigenous rights activists, and in corporate boardrooms.

Shortly after the decision cancelling the GWR project, the referendum campaign on whether Quebec should separate from Canada went into high gear, and the Crees were drawn into it. They argued that they were not objects that could be incorporated into an independent Quebec against their will, that they were a nation with Indigenous rights. They also argued that their lands would not necessarily become part of an independent Quebec, should Quebecers separate from Canada (GCC 1998). The Cree used some of the techniques they had learned in the GWR campaign during the referendum debates. They commissioned a public opinion poll that showed the percentage of Quebecers supporting separation was significantly lower if a separate Quebec would not include the northern Cree and Inuit lands. Some Cree leaders were told that this survey was one of the factors

that influenced the federal government to argue more publicly against separation. When the referendum to separate was defeated by the narrowest of margins, the Cree leadership thought that its campaign had played an essential role in that outcome.

### **Trying to Build a New Relationship, Again**

Following this intense half-decade of political action, Crees and Quebec slowly sought to rebuild relationships. For the Crees it became increasingly urgent during the later 1990s that the overexploitation of forests and wildlife by industry and sport hunters be dealt with. Commercial cutting of forests and sport hunting were both increasing, despite Crees attempts over many years to raise concerns and despite provisions of the JBNQA.

Under the JBNQA, forestry development was to be reviewed through Cree input to Quebec government forestry management plans. In practice, Cree input has not been sought at critical stages of the planning, and those discussions that were held had not resulted in any significant modification to forestry practices or plans. Quebec turned over forestry management and the monitoring of compliance to forestry companies themselves. This made it impossible for Crees to get agreements as companies claimed it was a government responsibility, and vice versa. Consistent with Quebec's denials that forestry clear-cutting has a significant impact on the Crees, it permitted forestry companies to cut without regard to the Cree hunting-territory system. The scale of this exploitation threatens some Cree hunting territories as effective hunting and conservation units. Over 40 per cent of several hunting territories have been cut, and the cut on one area is already 80 per cent of the commercially forested land (Feit and Beaulieu 2001). The rapid develop-

ment of logging and significant increases in non-Cree hunting directly threaten Crees' use of lands and the fabric of Cree society. Nevertheless, Cree hunters are convinced that if they have a say in how the forests are cut and at what pace, timber harvesting could be compatible with forest and wildlife regeneration and conservation.

Crees also want greater economic participation in forestry activities. Few Crees work for the major companies, and those who do are mostly in unskilled jobs. The Cree set up logging and sawmill operations to meet some of their social development needs, but they were allocated limited forest resources and were kept to a very small scale by Quebec.

In the late 1990s it was clear to Quebec and Hydro-Québec that the JBNQA had not led to a "social peace" with the Crees as they had thought it would in 1975. Hydro-Québec began talking to Cree communities about building a hydroelectric diversion to the south of the La Grande River complex, which would divert the water from the Rupert River through dams on the La Grande. These discussions, and some preparatory work, extended over several years. In 2001 the Quebec government proposed new negotiations about Cree and Quebec relationships. It was clear that they preferred to try to establish new agreements rather than initiate a large project without Cree involvement. Only weeks later an agreement in principle was completed and called "Agreement Concerning a New Relationship (Paix des Braves)."

When the agreement in principle was made public, it surprised many Crees and their supporters in the environmental community, because the Cree negotiators had agreed not to oppose the river diversion to the limits of their means. Quebec agreed not to build the third hydro project it had envisaged, which would have involved not only the Rupert but several other rivers as well, and flooded up to 20 times the area that the Rupert



### BOX 7.2 Testimony of Alan Saganash Sr, in 1999

I am the Ndoho Ouchimau ["hunting boss" or custodian]. . . . I am 80 years old this year. All my life has been spent on the land. . . .

Our land is uncut now but a Hydro road passes close to it. . . .

Poachers use that road now. . . . Many people come there now. There is garbage left everywhere. . . . The lake is over-fished. . . . Our camps in that area have been vandalized and things are stolen.

Our land is very rich elsewhere. There are all kinds of animals and fish . . . but I know [a forestry company] plans to build a road into it. They want to put a camp. . . .

The road will change all that [it] will damage the habitat and open it up. . . .

I am afraid once the road comes there will be many mines opened. . . .

I want all of this considered in a full environmental assessment but they won't

do it. I know the government well. I have seen how they work throughout my life. They refuse to consider all the development together. I have no chance to get all these issues looked at. I worry all the time about what will happen when the road comes.

The road is not to come to the heart of my land. I don't want it. The government is not trustworthy. . . . We are pushed out of our land again and again. We are told to move our hunting grounds. I have seen this happen many times in Waswanipi.

The companies and the government don't listen to us. They take what is ours and push us aside. This must stop.

—From an affidavit of 22 July 1999 by Allan Saganash Sr. of Waswanipi submitted in the court case the Crees initiated against forestry companies and the governments.<sup>5</sup>

diversion would flood. This agreement was probably facilitated by a shortfall of water supply to the La Grande River dams, and the lower costs of this way of utilizing the Rupert water.

The agreement involved important concessions by both sides. Forestry practices in the region were to be modified, under the supervision of a joint government-Cree committee, so that logging would be planned in relation to Cree hunting territories, and limits were established for how much land could be logged on a territory before there was adequate regeneration.

In addition, the Cree would be guaranteed substantial funds needed for socio-economic development. This was of vital concern, as JBNQA provisions for socio-economic programs had been largely ignored by governments. This time the Cree wanted to undertake to do it themselves and Quebec guaranteed annual block funding. Funding would come throughout the 50-year term of the agreement through payments from royalties and incomes collected by government from development of natural resources in the region, with a minimum amount guaranteed

and increased payments if resource exploitation exceeded certain levels. The Crees also agreed to withdraw their several lawsuits that were pending over forestry, other development activities, and unfulfilled JBNQA undertakings. The Quebec government agreed that its relationship with the Crees would henceforth be on a nation-to-nation basis, a principle that had previously been refused.

The Cree negotiators believed the agreement met needs that previously they had been unable to address. In their view, the main challenge they faced was to balance protecting the land with creating the social and economic conditions for healthy, viable communities for those whose primary activity was not hunting. This would require jobs and new Cree businesses. The agreement would help Crees to achieve these goals in their own way.

In the Cree communities people faced a difficult decision. On one hand, Crees have participated in commercial trade and market relations for 350 years. They have repeatedly been able to create a balance between their ties and obligations to the land and their production of commodities and wage labour for commercial trade. Yet, the failure of social and economic development programs in recent decades was clearly taking a high toll on community health and the ability of village-based Crees to have productive and meaningful lives. The whole history of marginalizing Indigenous people in Canada on reserve lands, with limited ownership of or say in the use of the natural resources on their traditional lands, has condemned them to communities riddled with severe economic, health, and social limitations. This agreement promised new resources and means for Crees themselves to meet these challenges. But it did not improve Cree rights to natural resources or give them a stronger say in developments, with the possible exception of forestry. On the other hand, the substantial funding received by Crees could be used to have certain kinds of influence over those developments

in which Crees chose to invest or participate. And recent court rulings, which affirm the requirement that developers consult Indigenous peoples have particular force in the James Bay region where Crees have successfully fought large-scale development projects.

Many Crees did not support permitting more dams, nor were they sure the right balance had been struck between socio-economic development and protecting the land. There were also concerns that by accepting money tied to new developments, they could weaken public support from other Canadians in future relations with governments, including over projects they might oppose. There was some agreement that the Crees should seek to have good working relationships with governments, but also that they should be careful not to endanger their effective autonomy. In addition, the speed with which the draft agreement had been reached, without prior consultation, was a concern to some Crees.

Grand Chief Ted Moses, who negotiated the agreement for the Crees, said in 2002:

I told [Quebec] Premier Landry that we were not opposed to development. We want to be included in a way which will be respectful of our nationhood and our right to maintain our own way of life. . . .

We want to determine the pace of our own development. We want to choose for ourselves what is best for our communities and our people. . . .

We know, however, that we cannot make our choices without appreciating the interests and concerns of Québec society. We have far too many common interests to be able to do that, and we live, after all, on the same land. . . .

We Crees still attach great reverence to the land. We continue to hunt, fish, and trap, and none of this will really change. . . .

[The agreement] is a Québec-Cree production.<sup>6</sup>

In early 2002, 55 per cent of Cree voters turned out for the referendum, and 70 per cent voted in favour of the agreement. Their votes expressed diverse thinking: outright support, a desire to build a new relationship with governments and Canadians based more on mutual respect and reciprocity, a desire to have the means to take responsibility for their own socio-economic development, and a desire for the Crees to stay united. Crees took a risk that this time an agreement could work.

In 2008, the Crees and the government of Canada negotiated and signed an agreement in which Canada provided a substantial lump sum to the Crees for socio-economic development, and Canada was released from its obligations in that area in the JBNQA, obligations that it had not met as was noted above. The agreement also provided for accountability and governance measures for Cree governments. The agreement lasts for 20 years, at which time it may be renegotiated or the JBNQA provisions come back into effect.

Having signed these agreements, the Crees face formidable challenges of which many of them are well aware. The new financial resources and access to development opportunities are vitally needed, but turning cash and investment opportunities into local or regional development that benefits Crees has not proved any easier for Crees than for other First Nations or small but hard-to-access communities anywhere in Canada. It is clear that standard development planning does not work. Very few Crees presently work for regional companies and innovative measures will be needed. One challenge is how to make regional corporate employers responsive to the scale of Cree employment needs

while taking account of the other Quebecers who also live and work in the region.

Another problem is how to create long-term jobs and viable enterprises beyond those already established in administration and community services. In separate agreements Hydro-Québec has made detailed commitments to Crees to make the economic opportunities its projects offer more effectively available to Crees. These commitments offer some hope, but there is limited employment at dams after the boom in construction jobs. Similarly for mining projects, the number of jobs simply does not meet Crees' needs.

Because the new agreements do not give Crees more say in resource development decisions in general, the developments are likely to proceed solely in response to market conditions, which tend to favour quick returns on investments and limited attention to long-term socio-economic needs in communities and regions. Most corporations and investors are highly mobile, and jobs are quickly cut or moved elsewhere in response to changing market conditions. As a result many new developments will repeat the histories of previous corporate resource developments: short-term boom followed by bust. Crees know this from their experiences dating back to the 1960s when the first mines and sawmills came to the region, few surviving for more than a decade, and from hydro development construction. Crees may use their development funds and influence to try to modify development decisions, but without control of the resources themselves, and without effective functioning of the 1975 agreement processes that were intended to regulate development on social and economic grounds, their means are limited. Thus the new agreements do not provide solutions for these problems, but they do provide the Crees with some additional means to try to find some improvements and more effective answers.

The long-term success or failure of the new agreements will depend not only on what the

Crees do, but also on how the governments approach their undertakings, and on whether relations to corporations change. The governments can pursue nation-to-nation relationships with the Crees in a way that give Crees an effective voice in future decisions about development. Alternatively, the governments may continue to ignore the Crees in decision-making in the hope that the communities will need jobs so badly, or be so dependent on the cash provided by the agreements from new developments, that they could not say “no” to development again.

The agreements were probably intended by Quebec and Canada to demonstrate to the investment community that the governments can “manage” the conflicts with the Crees, making some concessions but assuring investors that resource development could go ahead smoothly in the future on terms the investors want. If the governments and corporations also implement the agreements by effectively involving Crees in decisions about developments and how they proceed—decisions that take account of long-term Cree needs for jobs and land—they may avoid conflicts that can undermine the investment climate.

But if corporations and the governments still seek simply to maximize the speed and size of resource developments, and marginalize Crees’ long-term goals while offering cash compensation and temporary jobs, then they will likely face new and unpredictable conflicts with Crees.

Most Crees want to be effectively involved in resource development decisions so that their long-term needs for socio-economic development and their responsibility to the land and future generations can be fulfilled. If relationships to the future and the land are not part of what governments intend when they speak of new nation-to-nation relationships with Crees, if they think of Crees only as market partners, then Crees may again initiate new campaigns against developments.

## **Conclusions: Continuing Autonomy, Seeking New Relationships**

Over the last four decades, the autonomy of Cree communities has clearly been enhanced by sustaining their society and hunting economy; by Crees’ greater control of regional government, services, and financial resources; and by their ability to take political, economic, and legal initiatives. The ability to sustain their autonomy, and to enhance that autonomy in the face of repeated government attempts to erode and manage Cree governance and visions, is also clear.

The Crees continue to face major threats. The regulation of resource development was addressed in the JBNQA in 1975 and it has been addressed with new commitments in the forestry provisions of the 2002 agreement, but it needs to be implemented and made effective. Resource developments present both important opportunities to Crees and major threats to the land and long-term Cree livelihoods. The land of the region has been rapidly and intensely occupied by corporations and non-Cree Canadians. Crees have recently negotiated recognition of their nation-to-nation relationship to other Canadians, and a significant share of the economic benefits that developments produce, with the aim that they will address Crees’ socio-economic needs. The challenges they face are how to break or moderate the historical pattern of limited employment in highly mechanized resource extraction projects, and the boom and bust development that unregulated market developments create. The new nation-to-nation relationship implies that they will have a say in how developments occur, so that they can better serve regional socio-economic needs, but the new agreements do not specifically address these challenges, and much depends on how governments and corporations respond to the challenge of co-governing with Crees.

The Crees have repeatedly sought and hoped for new relationships with other Canadians and Quebecers, based on mutual respect; on responsible and long-term sharing of land, resources, and wealth; and on enhancing their co-governance. Governments and corporations have repeatedly responded with agreements that recognize some Cree engagement and autonomy, but the implementation and the effects of those recognitions have also worked

to limit Crees and to subordinate them. That Crees have shaped these agreements and challenged their effects demonstrates that they have retained considerable autonomy. In the most recent agreements Crees have again reaffirmed their commitment to renewing relationships with Canadians, governments, and developers: relationships of co-existence and co-governance that have continued through both agreements and conflicts for over half a century.

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## NOTES

1. The term "hunter" includes both men and women hunters and their spouses. Women typically fish and hunt small game, but some engage in all types of hunting. Some also say that they have dreams of where game may be caught and assist their husbands with this knowledge. How animals are butchered, prepared, distributed, and consumed can also affect the hunt. So post-harvest tasks that are typically, but not exclusively, done by women are an integral part of the hunting process.
2. In Cree the word for "God" does not specify gender. But Cree, who are mostly Christians, generally use the masculine pronoun when speaking English. I follow their usage when paraphrasing their statements.
3. The negotiations were conducted jointly with the Inuit of Quebec, but this discussion only addresses aspects relevant to the Cree.
4. As it turned out, later changes were agreed to on several occasions, including an agreement to relocate the dam that had been moved and to build it on its original site. The move was requested by Hydro-Québec because it found construction at the new site to be technically impossible. The developers also claimed that it was nearly impossible to protect the village on Fort George Island from erosion by the greater flow in the river, and they funded the construction of a new site on the shore of the river at Chisasibi, which the Cree agreed to. The old site has not eroded substantially or become uninhabitable.
5. *Mario Lord et al. v. The Attorney General of Quebec et al. and Domtar Inc. et al.*, Superior Court, District of Montreal, No. 500-05-043203-981.
6. Grand Chief Dr Ted Moses, Grand Council of the Crees (Eeyou Istchee), notes for a statement "La société québécoise et les Autochtones," 26 March 2002.

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