

OUJE-BOUGOUMOU CREE NATION

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From the office of the Chief

**SPEAKING POINTS
FOR
CHIEF CURTIS BOSUM
FOR THE
DIALOGUE ON SOCIAL ACCEPTABILITY**

(MISTISSINI SEPTEMBER 3, 2015)

GENERAL POINTS:

- The notion of "social acceptability" in the Cree milieu must be understood as the cumulative effect of the Crees' treaty—the *James Bay and Northern Quebec Agreement*—which is protected by the Canadian constitution, and in addition, a number of subsequent agreements with Quebec including the "Paix des Braves" and the more recent *Governance Agreement*.
- The Cree Nation, beginning with the JBNQA, has been recognized as being a partner in the development of Eeyou Istchee.
- To understand the Cree perspective on "social acceptability" it is important to understand the primary role which Cree communities give to both the spirit and the letter of the JBNQA.
- The subsequent agreements reinforce the central role of the Cree Nation with respect to the development of the territory and reinforce the related notion of "Cree consent".
- The consequence of these historic agreements have gone a very long way in both acknowledging and putting into tangible expression our treaty rights and aboriginal rights. These agreements have created the possibility for the Cree communities and the Cree Nation as a whole to participate as equal partners in the development of projects proposed for our territory.
- One of the most useful expressions of the Cree understanding of "social acceptability" is the creation of the Cree Mining Policy. This important policy declares the Cree openness and willingness to approving, and being involved in, a wide range of mining projects proposed for our territory. At the same time the policy establishes both the conditions

which must be met—including community involvement, environmental conditions and other benefits--and the procedures which a mining proponent must adhere to in order to gain Cree approval, and by extension, their formal authorization for a project.

- Our experience has been that our Cree Mining Policy creates a win-win environment in which project proponents achieve the certainty they require around their project so that they can more easily attract investments, and the Cree communities benefit from the resources developed on our traditional territories.

THE OUJE-BOUGOUMOU PERSPECTIVE

I would like to share with you the perspective of Ouje-Bougoumou on this concept of "social acceptability" and how the evolution of our unique history has brought us to our views on this concept.

As some of you may know, Ouje-Bougoumou is still a relatively new village which was constructed during the first half of the 1990's at the current location on the shores of Lake Opemiska. But, this was not our first village. In fact, we have had numerous villages in the past throughout our traditional territory. The reason that we do not have those villages any longer is that they were demolished, one after the other. And the reason they were demolished was because our traditional territory is rich in mining potential and there were clear efforts to ensure that our past villages, and our people, would not stand in the way of mining development.

These incidents of forced relocations occurred, not once or twice, but seven times throughout our history. When our last village—located at Doré Lake—was destroyed our people dispersed throughout our traditional territory to demonstrate our continuing occupation of the land so that we would not be prevented from carrying out our traditional hunting activities and prevented from continuing to live the Cree way of life.

Throughout our history, mines continued to be opened in our territory—around 30 of them—and resources were extracted from our land at a value reaching into the many billions of dollars, and of course, with no benefits coming to our people who had become marginalized in our own territory. Also, the waste products of those mining activities were dumped into our rivers and lakes—the very waters that we relied upon for our food and water. In an era when there was limited understanding among non-indigenous peoples of ecology and the interconnectedness of all living things, there was disregard for the environmental consequences of putting toxins into the water, and there was no regard whatsoever for the impacts which that might have upon us, the original inhabitants. We are still dealing with the legacy of that irresponsible history of not treating seriously the toxic tailings which were the consequences of the mining activities. We have needed to limit the

intake of fish from those waters and that has immediate and negative consequences for our people. We are now working in collaboration with Quebec to implement a restoration plan at one of the worst of these sites.

But this is what happens when there is a total absence of important principles such as the one we are discussing today—social acceptability. This is what happens when there is no regard for the rights of people whose reliance on the health of the land is basic and primordial.

In spite of our very difficult past with the mining industry, we are now today in a very different era and in a very different context. It is this new context that permits us to look to the future—while never forgetting our past—with some degree of optimism and with a view to identifying opportunities which can be turned into benefits for our people.

The optimistic future that we look forward to has been shaped by a number of very key agreements which our Cree Nation has entered into with Quebec, and some also involved Canada.

The *James Bay and Northern Quebec Agreement*, the “Paix des Braves”, and the most recent *Governance Agreement* between Quebec and the Cree Nation have converged in such a way as to give recognition to our aboriginal and treaty rights and to make it possible for the Cree Nation to actively participate in the development of the territory.

Now that Cree rights have been recognized, now that we will be building an inclusive and forward-looking governance structure for the territory, we are now in a position to engage in the development of the territory in a spirit of collaboration, in a spirit of harmony, and also in a pioneering spirit dedicated to the development of all the communities and residents of our region.

Our Cree communities, like the other communities in the region, need to find employment for our people. Our Cree communities, like the other communities in the region, want to create a sufficiently vibrant economy so that our youth do not feel that they need to leave the region to survive. Our Cree communities, like the other communities in the region want to see the benefits of resource development accrue to the communities in the region—we all want to see more of the wealth associated with resource development to stay in the region.

The consequences of these agreements mean for us in Oujé-Bougoumou that the mining industry may very well continue to have a significant impact on our future and on our lives as it has had in the past, but instead of being victims of development which marginalized us and excluded us, we are now looking forward to active participation in development which takes into account our concerns, our interests and our way of life.

You must understand, however, that our traditional way of life, our relationship to the environment, our reliance on the land for our sustenance continues to be absolutely central to who we are as a people. Just as we are part of the land, the land is part of us. We cannot think of ourselves as separate from the land that we have inhabited for thousands of years. It is precisely for this reason that we are obliged to assess very carefully the full range of environmental impacts which any project may have on the environment.

Now, as in the past, any negative environmental consequences resulting from resource extraction projects have a direct and immediate impact on our people. It is imperative that we know what those impacts are and it is also imperative that we always act with caution when there is a question about the environmental consequences of those projects. For very good reasons, we are inherently cautious when it comes to environmental concerns. One might even say that we already practice, as an integral part of our cultural heritage, what is known as the "precautionary principle" in public policy which states that an action should not be taken if the consequences are uncertain and potentially dangerous. The precautionary principle involves a duty to prevent harm, when it is within our power to do so, *even when all the evidence is not in*. This principle has been included in several international treaties to which Canada is a signatory.

So for us, and I think I speak for all Cree people in Eeyou Istchee, we are not just another group—we are not just another stakeholder. We are the original people of this territory and we have learned over the course of thousands of years how to live in this territory in harmony with the wildlife, the waters and the seasons. For us, living in a sustainable way in our environment is not just an idea, it is not just an intellectual fad, it is the very basis of our way of life. One might even say that "social acceptability" is an integral part of who we are as a people. And that unique position we are in has been incorporated into the highest law of the land—the Canadian constitution.

Yes, we have come to be open to mining and to other types of resource development in our traditional territory. We have become open-minded in how we view the potential for resource development for our long-term development. But although we have become more open-minded when considering mining developments on our traditional territory, we have not relinquished our right and our duty to assess, to evaluate and to be selective in deciding which projects are acceptable and which projects are not acceptable for the environment, and ultimately, for our way of life. This is what "social acceptability" means to us. It is responsible governance and it provides for the future.

We remain open to development and we are open to mutually beneficial partnerships. We have developed strong and positive relationships with our non-Cree neighbours. We are exploring opportunities together and we are

finding ways of sharing benefits of certain projects in the region. This will be an important cornerstone for our future.

However, we will look at projects with a critical eye and we will oppose those projects which we judge not to be in our long-term interest. We take into consideration the needs of all our people—those who want employment within the contemporary resource development sectors as well as those who choose to pursue a more traditional way of life.

For us “social acceptability” is not a reason to always say ‘no’ to projects. It is about carefully weighing the costs and the benefits of potential projects for now and for the future.