
Questions and Answers

Eeyou Marine Region Land Claims Agreement

Q1. Where are the Crees located?

The approximately 16,000 Crees of Eeyou Istchee occupy the entire watershed of eastern James Bay and south-eastern Hudson Bay. Almost all of them reside in nine communities in Northern Quebec. Five of these communities are on the Coast and four are inland communities. Part of the area that the Crees have traditionally used and occupied includes the area covered in the *Eeyou Marine Region Agreement*.

Q2. What area does the *Eeyou Marine Region Agreement* cover?

The Agreement encompasses the Eeyou Marine Region, which covers the Nunavut offshore islands and the intervening waters adjacent to Quebec in James Bay and south-eastern Hudson Bay. The Eeyou Marine Region covers approximately 61,270 square kilometres, and islands within it comprise a land mass of approximately 1,650 square kilometres.

Q3. Do the Crees live in and occupy the Eeyou Marine Region?

The Crees live in the region when pursuing their traditional way of life. They fish, hunt sea mammals and waterfowl as well as beaver and other land animals that frequent the area. The whole area is divided into hunting territories that are part of the traditional Cree way of managing the resources. The primary hunting families of the area have camps throughout the islands and adjacent mainland as well as residences in the coastal communities.



Canada

Q4. Who are the beneficiaries of the *Eeyou Marine Region Agreement*?

Anyone enrolled or eligible to be enrolled on the Cree Beneficiary List pursuant to the provisions of the *James Bay and Northern Québec Agreement* will be automatically enrolled as a beneficiary under the *Eeyou Marine Region Agreement*.

Q5. What are some of the rights that the Crees of Eeyou Istchee will enjoy and where?

The Crees will continue to use and occupy the islands as they have always done in the past. They will have the exclusive right to harvest certain species and they will have the right to harvest any species of wildlife in the Eeyou Marine Region to fulfill their economic, social and cultural needs. Exceptionally, some restrictions may be imposed for purposes such as conservation.

Also, the Crees will own in fee simple approximately 1,050 square kilometres of land on the islands off the Quebec shore. Of this amount, approximately 400 square kilometres of land in Hudson Bay will be jointly owned with the Nunavik Inuit. Surface and subsurface rights will be provided to the Crees on their lands. They will be consulted prior to any development taking place in the area; they will participate in various co-management regimes; and they will have the right to conclude impacts and benefits agreements with developers in the case where development projects are contemplated. The Crees will be entitled to 50 per cent of the first \$2 million of resource royalty, and five per cent of any additional resource royalty received by governments each year with respect to the Eeyou Marine Region.

The Agreement provides for Cree participation in the establishment and management of protected areas. It provides for Cree preference in the case of certain government employment and contracts in the area. Also, the Agreement provides for a special regime for compensation in case of environmental contamination.

Q6. Does the Agreement provide for input from the Crees of Eeyou Istchee with respect to environmental issues?

The Agreement establishes three co-management regimes that will have the authority to provide input with respect to environmental issues: the Eeyou Marine Region Planning Commission (for land use planning), the Eeyou Marine Region Wildlife Board and the Eeyou Marine Region Impact Review Board. The Crees will be full participants in all of these regimes and they will also be consulted before any development can take place in the area.

Q7. How does Canada benefit from the Agreement?

The Agreement will provide certainty with respect to the use and ownership of land and resources in the Eeyou Marine Region. The Agreement describes the rights of Canada and the Crees in the Eeyou Marine Region with respect to these matters and states that the rights of the Crees are recognized and affirmed by section 35 of the *Constitution Act, 1982*.

The Agreement will also provide the Crees with the opportunity to enhance their participation in the economy of the region. For example, through the lands, resources and financial benefits they receive from the Agreement, the Crees will be in a better position to undertake new business ventures or partnerships. As new economic development initiatives get underway, jobs and other opportunities may be created from which the Crees and non-Cree in the region will benefit.

Q8. How much is the Agreement going to cost?

Canada will provide a capital transfer to the Crees of \$50 million to be paid over a period of nine years and implementation funding of \$5 million upon the coming into force of the Agreement. The government will also cover the costs for establishing and operating the co-management regimes created under the Agreement.

Q9. How much was the negotiation loan to reach this agreement, and when will it be repaid?

The Grand Council of the Crees, on behalf of the Crees, was provided approximately \$2.7 millions in loan funding. The full amount will be repaid to the federal government over nine years.

Q10. When will the benefits begin to flow to the Crees?

Most benefits will flow to the Crees on the effective date of the Agreement – when the Agreement comes into force – and this date will be set by the Governor in Council. This date will also serve as the date of the coming into force of the ratification legislation. Some benefits will be ongoing and will flow in perpetuity.

Q11. Does the Agreement provide for certainty?

The Agreement provides for certainty with respect to the use and ownership of land and resources in the Eeyou Marine Region. In respect of these matters, the Agreement describes the rights of Canada and the Crees in the Eeyou Marine Region.

Q12. Since the Crees are also residents of Quebec, shouldn't the Government of Québec be involved in the negotiations?

The Grand Council of the Cree and the Government of Canada are currently addressing the modernization of the Crees' governance regime through separate negotiations. Québec has been invited to be a party in the negotiations leading to a Governance Agreement, insofar as areas of jurisdiction of Québec are involved. Québec has indicated its willingness to participate, and has already attended a number of meetings with Canada and the Crees.

As Eeyou Marine Region concerns islands and the marine waters that are situated outside Québec and under federal jurisdiction, the Government of Québec is not a party to the Agreement. The Agreement addresses rights and matters only outside of Québec and it does not attempt to define the boundary of Québec along the coast. While Québec was not a party to the Agreement, it was kept informed of developments throughout the negotiations process.

Q13. Why is the Government of Nunavut a part of the federal team, rather than a separate party?

The Agreement addresses issues related to land and resources in the Eeyou Marine Region and these matters are under federal jurisdiction. Representatives of the Government of Nunavut were invited to attend the negotiations as part of the federal team in order to provide input on certain matters in which they may be involved in the future with the Crees – for example, they will be represented on all three co-management regimes created under the Agreement: the Wildlife Board, the Planning Commission and Impact Review Board.

Q14. What is the status of the Nunavik Inuit/Québec Cree overlap?

On April 30, 2003, the Nunavik Inuit and the Crees signed an overlap agreement regarding an area starting at the mouth of La Grande River north to Long Island in Hudson Bay and continuing up the north-eastern Hudson Bay coast to the northern end of the area traditionally occupied and used by the Crees, north of Gillies Island. The overlap agreement between the Crees and the Inuit forms an integral part of both the Nunavik Inuit Land Claims Agreement and the Eeyou Marine Region Agreement.

The overlap agreement created three zones along the eastern coast of Hudson and James Bay: (i) a northern zone in which islands are owned exclusively by the Nunavik Inuit and in which the Crees and the Inuit share harvesting rights; (ii) a joint zone, in which both the Crees and the Inuit share equally ownership rights over the islands and harvesting rights throughout the zone; and (iii) a southern zone, in which islands (except for a few) are owned exclusively by the Crees and in which the Crees and the Nunavik Inuit share harvesting rights.

Q15. What are the next steps?

Following the signing of the Agreement by the Crees and Canada, and upon consultation with the Grand Council of the Crees, the Government of Canada will present the Agreement to Parliament and propose legislation to ratify the Agreement and to bring it into force.