International Journal of Canadian Studies
Revue internationale d'études canadiennes

INTERNATIONAL JOURNAL OF CANADIAN STUDIES
REVUE INTERNATIONALE D'ÉTUDES CANADIENNES

Representing Aboriginal Self-Government and First Nations/State Relations: Political Agency and the Management of the Boreal Forest in Eeyou Istchee

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Number 41, 2010

Representations of First Nations and Métis
Les représentations des Premières Nations et des Métis

URI: https://id.erudit.org/iderudit/044164ar
DOI: https://doi.org/10.7202/044164ar

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Publisher(s)

Conseil international d'études canadiennes

ISSN

1180-3991 (print)
1923-5291 (digital)

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Cite this article

Salée, D. & Lévesque, C. (2010). Representing Aboriginal Self-Government and First Nations/State Relations: Political Agency and the Management of the Boreal Forest in Eeyou Istchee. *International Journal of Canadian Studies / Revue internationale d'études canadiennes*, (41), 99–135. https://doi.org/10.7202/044164ar

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Daniel Salée and Carole Lévesque

Representing Aboriginal Self-Government and First Nations/State Relations: Political Agency and the Management of the Boreal Forest in Eeyou Istchee[1]*

Abstract

This paper is primarily concerned with the way in which the strategies Indigenous peoples choose to address and deal with state power are being characterized by recent scholarly assessments of territorial and self-government agreements in Canada. The authors contend that by emphasizing almost exclusively seemingly irreversible structural determinants (such as colonialism and the capitalist logic of dispossession), the interpretative orientation of that literature tends to misrepresent the nature and dynamics of First Nations politics in the Canadian context and minimizes the positive impact of their action on social change. On the basis of an examination of contentious politics and the resulting institutional practices elaborated in relation to the management of forest resources and environmental policy in Eeyou Istchee (land of the James Bay Cree) over the past 30 years, the paper underscores instead the Cree's political agency and their ability to secure a substantial measure of control over the management of forest resources and the definition of environmental policy. It argues that the Cree have largely succeeded in reversing the historical logic of domination to which Indigenous peoples have been submitted and in reappropriating key instruments of collective empowerment. The paper ultimately offers a defence for an analytical stance that appreciates First Nations' political and policy choices from the perspectives of what they actually mean for the communities involved rather than from the point of view of normative and theoretical absolutes.

Résumé

Cet article pose un regard critique sur la manière par laquelle plusieurs travaux qui font actuellement autorité représentent les plus récents accords territoriaux et d'autonomie politique engageant l'État canadien et les peuples autochtones. Il soutient que l'insistance de la plupart des

auteurs sur des déterminants structurels vraisemblablement irréversibles (tels que le colonialisme ou la logique capitaliste de dépossession) pour analyser les accords institutionnels auxquels les peuples autochtones sont partie prenante débouche sur une orientation interprétative qui dénature l'action politique de ces derniers et en minimise les effets positifs sur la dynamique de changement social. À partir d'un examen du processus politique de reprise de contrôle de la gestion de la forêt boréale par les Cris d'Eeyou Istchee (Baie James) au cours des trente dernières années, l'article met plutôt l'accent sur l'agentivité de ces derniers et sur leur habilité à faire échec à la logique historique de domination à laquelle les peuples autochtones au Canada ont été soumis et à se réapproprier les principaux instruments de leur émancipation collective. En bout de piste, le texte propose un plaidoyer pour une posture analytique qui sache aborder les choix politiques des peuples autochtones en ce qu'ils représentent pour les communautés qui font ces choix et non pas selon la vision normative et théorique de quelque idéal politique.

Introduction

Indigenous peoples-state relations in Canada have mobilized much intellectual energy over the past few decades. For good reasons: the political goals of Indigenous peoples and the strategies deployed to achieve them have, in many ways, considerably shaken Canada's sense of national and political unity, and forced Canadians to reconsider seriously their historical and current attitude vis-à-vis the claims of ethnocultural minorities. Increased demands for recognition and self-determination made by Indigenous peoples in particular, raise ethical, political and legal questions that speak directly to the nature of Canada's democracy and the appropriate parameters that should inform the dynamics of relations between the largely Eurodescendant, socially hegemonic population and racialized and subalternized ethnocultural minority groups. The plight of Indigenous peoples has generally elicited many sympathetic and varied normative, theoretical and empirical analyses. Most are genuinely concerned both to unpack the historically unequal social and political relations of Indigenous peoples with the Canadian state and society and suggest ways to reverse their logic in line with the most robust principles of democracy. A consensus has yet to emerge, however, as to how to characterize the nature of their interaction and more specifically the response of Indigenous peoples to the state actions that affect them directly.

A number of recent accounts, within both the Canadian and international scholarly literature, readily argue that Indigenous peoples have established themselves as a significant political force with means and influence sufficient to lend institutional legitimacy to their own, community-based conception of citizenship and bring the state to reconfigure its criteria of civic and political inclusion along broader, more democratic and more accommodating lines (Papillon, "Fragmentation"); they have become credible international actors (Brysk; Duplessis; Fritz et al.; Jhappan) capable of moving the international community to their side, transforming mindsets, engaging the one-dimensional, totalizing logic of the state (Niezen, "Recognizing Indigenism", *The Origins*) and forcing the redefinition of—even stopping—development policies and projects antithetical to their interests (Blaser, Feit, and McRae; Jenson and Papillon).

Parallel to this scholarship emphasizing the political successes of Indigenous peoples, a critical literature questioning the depth of their gains has also emerged. As we will see in more details below, it generally contends that the self-government arrangements that First Nations succeed in negotiating for themselves trap them into accepting the institutional and constitutional parameters of the Canadian state whose strategy consists essentially in consolidating its colonial (and racist) sway over Indigenous peoples: in this context, attempts to exercise or implement any form of self-determination remain illusory.

While there is evidence to suggest that the actual political clout of Indigenous peoples is relative and ultimately quite fragile, and that the state does indeed work to curtail the full expression of First Nations self-determination (Corntassel; Salée, Field, and Horn-Miller), the ability of Indigenous peoples to advance their cause and navigate efficiently and creatively past the state's roadblocks on the path to political autonomy is not inconsequential. Admittedly, the structures and patterns of domination that have historically put Indigenous peoples at great disadvantage, politically, culturally and economically, are all too real and still continue to operate. But the sheer political tenacity of First Nations communities and Indigenous leaders is also real. Many struggle successfully to make the best of adverse conditions and bring the state to amend its initial, strong-arm stance. Their persistence is not any less significant, even when in the end its impact on the power of the state may prove to be limited. Between the exultant reports of Indigenous peoples' political accomplishments and the disappointment of those for whom anything less than complete and unequivocal self-determination is a sign

of abandon to the dictates of the colonial state, there is a grey zone of everyday politics that needs to be better understood. It is mainly within that grey zone, where theoretical and abstract normative absolutes often have less resonance, that Aboriginal politics takes place and the contents of Indigenous responses (and resistance) to the state take shape.

This paper is primarily concerned with the way in which the strategies Indigenous peoples choose to address and deal with state power are being characterized by recent scholarly assessments of territorial and self-government agreements in Canada. We contend that the interpretative orientation of that literature tends to misrepresent the nature and dynamics of First Nations politics in the Canadian context and minimizes in the process the positive impact of their action on social change. As such, the paper suggests a different analytical route that emphasizes the reversal of the historical logic of domination to which Indigenous peoples have been submitted, toward the reappropriation and control of key instruments of collective empowerment. The paper proceeds on the basis of an examination of contentious politics and resulting institutional practices elaborated in relation to the management of forest resources and environmental policy in the James Bay area over the past 30 years of interaction between Eeyou Eenou (the Cree Nation) and the Quebec government over territorial control and Cree political and administrative autonomy[2]. The first section offers a critical review of an increasingly authoritative body of scholarly literature that tends to emphasize the continued action of the Canadian state's unchanging colonialist mentality and minimize the extent of the gains purportedly made in recent self-government and land claims agreements to which various First Nations communities have agreed. The second section focuses on the process by which the James Bay Cree have secured, over time, a substantial measure of control over the management of forest resources and the definition of environmental policy in the area. The third section evaluates their achievements in light of the constraints borne out of the politicization of the boreal forest in Quebec. The paper concludes with a general reflection on the analytical status of the political agency of Indigenous peoples in Canada.

Reading Self-Government Agreements and First Nations Claims of Self-Determination

In a recent essay, political scientist Gabrielle A. Slowey argues that Cree leaders are basically deluding themselves and their constituents when

they claim that the 2002 *Paix des Braves*, the latest agreement they signed with the Quebec state[3], is based on the recognition of a nation-to-nation relationship and the notion that First Nations constitute one of three orders of government. She writes:

> [E]ven though the rhetoric of the agreement suggests partnership, the fact remains that [this is not an agreement] made among governments as equals. [It is] strictly about establishing economic relationships, based on mutual interest, and stabilizing state-First Nations relations. Even though bringing First Nations governments to the table with other levels of government to establish these economic arrangements may represent an important step forward for First Nations in the region by providing them a voice, they do not translate into a renewed relationship between the state and First Nations. (…). The benefit of the agreement for [the Cree] is limited to the recognition that their governments and their representatives must be consulted. Meaningful participation at the highest levels, along with recognition of, and accommodation for, First Nations autonomy within existing parameters of Canadian federalism, remains elusive. Instead of setting a place for First Nations government at the federal table, structural and systemic barriers perpetuate the exclusion of First Nations and their governments. ("Federalism" 166-167)

Slowey's stance is emblematic of a number of like-minded efforts at deconstructing the political subtext of territorial and self-government agreements between First Nations and the state in Canada. Most of the analyses of this question produced in recent years point with minor variations to the same unequivocal conclusion: in its dealings with Indigenous peoples the state imposes a logic of interaction that is not about reconciliation or mending the past, but is driven primarily by a will both to contain First Nations' claims for political autonomy within the defining principles and socio-institutional boundaries of Canadian political structures and processes, and confine their aspirations for economic empowerment to the strict imperatives of the global capitalist market and to the dictates and interests of the Canadian corporate elite (Alfred, "Deconstructing"; Altamirano-Jimenez; Borrows; Day and Sadik; Denis; Green and Peach; Irlbacher-Fox; Rynard, "Welcome In", "Ally or Colonizer?"; Slowey, "Globalization"). For several authors, the case is clear: despite its rhetoric of openness and sympathy to the plight of Indigenous peoples, the Canadian state remains committed to a policy of dispossession (Gordon; Simmons; Slowey, "Aboriginal Self-Government") and is fundamentally unwilling to let go of its colonialist mindset (Green; Ladner and Orsini; Samson).

Some take the argument further and contend that the choices First Nations communities have to make about their future and modes of government are therefore severely limited by the hegemonic cultural framework of Canadian society and by the institutional environment in which the Canadian state forces them to operate. This environment is by no means neutral: the claims made by First Nations within it and whatever degree of recognition they may succeed in getting from the state in the end remain conditioned by discursive and institutional settings that are "profoundly hierarchical and incredibly power-laden, and as such have the ability to asymmetrically mold and govern how Indigenous subjects think and act" (Coulthard 452). Through no fault of their own, Indigenous peoples are so immersed in the White-settlers' worldview and institutional subjectivities that their own demands for recognition and claims for political autonomy cannot transcend these subjectivities: they are forced to formulate their aspirations in terms that are not theirs, toward goals that do not correspond to their best interests. As Taiaiake Alfred and Jeff Corntassel explain:

> Colonial legacies and contemporary practices of disconnection, dependency and dispossession have effectively confined Indigenous identities to state-sanctioned legal and political definitional approaches. This political-legal compartmentalization of community values often leads Indigenous nations to mimic the practices of dominant non-Indigenous legal-political institutions and adhere to state-sanctioned definitions of Indigenous identity. Such compartmentalization results in a 'politics of distraction' that diverts energies away from decolonizing and regenerating communities and frames community relationships in state-centric terms […] (600)[4]

The implication is clear: Indigenous peoples will never be really free and in full control of their destiny so long as they continue to operate within the current political and institutional framework and accept its normative premises.

Given the particular history of interaction between Indigenous peoples and the state in Canada and the often alarming socio-economic conditions still experienced by too many First Nations communities, the hard-hitting tone of this literature is hardly surprising. In their extensive and balanced review of the intellectual production on Aboriginal self-government in Canada since the 1960s, David Newhouse and Yale Belanger could not help but conclude that the Canadian state has for all intents and purposes appropriated the notion of self-government and constructed it in a way "that offers little flexibility for the inclusion of culturally-specific ideas of

governance into the creation of Aboriginal self-government" (39); indeed, "self-government in Canada is a misnomer for it is the government who controls the agenda and provides space for future Aboriginal governments to fit neatly into all without allowing the significant transfer of decision making to the First Nations" (41)[5].

The critical perspective that informs a good deal of the most recent literature on self-government and issues of recognition is largely meant to bring to light the dynamics of unequal power relations that still shape in various, subtle ways the rapport between settler society and Indigenous peoples. In this sense, it is formulated in response to the celebratory, self-satisfied, but vastly misleading governmental vision of an open, pluralist, multicultural and generous Canada. It follows in that a well-established tradition of social criticism rooted in left political economy and more recently in postcolonial, subaltern and race studies as well as in deconstructionist critiques of modernity. It is also meant, on a more political level, to encourage Indigenous peoples to engage in a different kind of emancipatory politics, outside the realm of dominant, mainstream institutions—a politics aimed at reconnecting with the heritage, values, languages and ways of knowing of their ancestors[6]. For all its merits, though, its insistence on describing the relations of Indigenous peoples with settler society as locked in an unflinching, colonial and imperial dynamic that always plays to the sole advantage of Euro-Canadians and the state they have imposed, raises analytical issues with respect to the accuracy with which state-Indigenous peoples relations and the strategic choices of First Nations communities are represented and understood.

In its current intellectual orientation, much of the latest critical scholarship on Aboriginal self-government implicitly downplays the very real efforts and successes of Indigenous peoples in transforming unequal relations of power in ways that clearly improve their objective situation. It may well appear that on the surface of things, from the point of view of theoretical and normative absolutes, Indigenous peoples invariably lose ground in their dealings with the state, even when they conclude arrangements that satisfy them: more often than not, they seem compelled to abide by political institutions and rules foreign to their tradition of governance; constrained to accept development projects and economic imperatives that they have not necessarily chosen; and limited in their enjoyment of their ancestral territory, as if control over their own destiny ineluctably escaped them. Reality, though, can be quite different. In the case of the James Bay Cree, for example, anthropologists and ethnographers with intimate knowledge of that society remind us that

self-determination was never an objective pursued by the Cree, at least not in the way in which political theory generally associates the notion with full political autonomy and the attainment of sovereignty. Cultural anthropologist Ronald Niezen explains that "the principal goal of Cree sovereignty is a fair, equitable, carefully negotiated and honored inclusion in an already existing state—Canada—rather than an independent nation" (*Defending* 8). Similarly, with respect to the way the Cree handled the imposition of external modes of governance, he maintains that

> [...] the development of Cree administrations based on southern models does not in itself mean that their values, goals and strategies will be the same as those of parent organizations in non-native societies. Although the goal of regional autonomy, as seen from the view of government negotiators, was a closer integration of the Cree in the Quebec administrative system, from the Cree point of view it also provided opportunities for reinvigorating attachments to forest life. (*Defending* 5)

In fact, the latest anthropological and ethnographic evidence provides several case studies of First Nations communities regaining control of their societal and development priorities and achieving in the process a greater measure of autonomy from the state (Adelson; James; Kulchyski; Warry; Wuttunee). Such evidence calls for a more circumspect reading of state-Indigenous peoples relations in Canada, and in particular of the strategies Indigenous peoples devise and use in their attempts to make their unavoidable interface with the state as productive and as beneficial as possible for themselves. Because certain First Nations opt to work within the dominant political and administrative institutions does not make that choice less valid. One cannot automatically assume that they are necessarily co-opted by the state, forced against their best interest into that choice or that they are stripped of any political clout they might have had otherwise.

Through the past 30 years of Indigenous political mobilization, activism and struggles, many First Nations have demonstrated a considerable degree of political agency and a definite ability to redefine the terms of engagement with the state and settler society. In this sense, the critical scholarship on Indigenous self-government is somewhat misguided in its appreciation of the dynamic of power-resistance that characterizes social interactions. Michel Foucault's work has convincingly shown that power is never unilateral (Pickett); that it cannot be boiled down to a simple oppositional binary whereby the oppressor always triumphs over the oppressed, the master over the slave, or the conqueror over the colonized.

The exercise of power always implies manifestations of resistance to domination and authority, to social and economic orders that are disadvantageous to one's own well-being and to cultures that negate one's own identity. And in that process of resistance, it is not uncommon for the oppressed, the colonized to use the oppressor's, the conqueror's tools to bolster their own cultures, improve their objective situation and make significant political progress, forcing the oppressor and the conqueror to recognize their reality and be more sensitive to their claims (Ashcroft).

The acceptance and use of the dominant culture and institutions are not necessarily a proof of capitulation on the part of the oppressed and colonized, but can in fact be seen as a sign that they are reinventing themselves, adapting their fundamental cultural referents to changing circumstances and developing new ones in the process, in tune with their evolving priorities. The apparent disregard of the critical scholarship on Indigenous self-government for this dimension stems largely from its disproportionate analytical emphasis on the philosophical possibilities of self-government and the state's actions and policy narratives rather than on what Indigenous peoples actually do to counteract the hegemonic position of settler society and culture (Newhouse and Belanger). Without a better, more accurate appreciation of this reality, one runs the risk of misunderstanding First Nations' political and policy choices.

Regaining Ground: The James Bay Cree and the Management of the Boreal Forest

The extinguishment of land ownership rights, the imposition by the state of administrative limitations to the full enjoyment of ancestral territories and fairly exacting governmental parameters restricting the extent of Indigenous governance over land, natural resources and environmental management issues are usually the main questions upon which critics focus to justify their negative assessment of self-government and territorial agreements.

On the face of it, they do seem to have a point. In the case of the James Bay Cree, the 1975 *James Bay and Northern Quebec Agreement* (JBNQA) created a new land regime which lends the Cree control of about 1.5 percent of their ancestral land (designated in the Agreement as "Category I" lands). On that diminutive portion of their ancestral territory, the Cree have exclusive fish and wildlife harvesting rights and their band councils can pass by-laws and control development (with the

exception of subsurface resources such as minerals, oil and gas). Cree communities can also log these lands commercially for their own benefit without having to pay duties to the Quebec government, though they must conform to governmental logging norms. On about 18 percent of the territory ("Category II" lands), the Cree have exclusive rights to hunt, trap and fish with the assurance that non-Cree competition for game will be prohibited and that logging companies will ensure that their activities do not disturb the exercise of Cree wildlife harvesting rights. The Cree can log those lands commercially, but must pay duties to the government and abide by its regulations. The government also reserves the right to initiate development project, subject to compensation. Finally, more than 80 percent of the Cree ancestral territory remain as public land ("Category III" lands), owned by the Quebec state, where the Cree do retain wildlife harvesting rights (which are exclusive on some species of animals), but are in essence submitted for all other activities to the same governmental laws and regulations as any Quebecer, with no particular prerogative. Although the Cree willingly agreed to this unequal structure of land rights and were initially pleased with the JBNQA[7], one can see why analysts have concluded that they "have lost ownership rights to most of the natural resources of their lands and have had their influence over development activities confined to advisory committees" (Rynard, "Welcome In" 223).

Still, what makes the case of the James Bay Cree interesting is that they have regained over the three decades following the signing of the JBNQA an appreciable measure of control over the management of their land and the direction of environmental and development priorities in the region. The *Agreement Concerning a New Relationship between le gouvernement du Québec and the Crees of Québec* ("*Paix des Braves*") signed on February 7, 2002, confirmed and substantially upgraded Cree influence on their territory. The Agreement is founded on the following defining postulates: it is designed as "a global approach in favour of greater autonomy and greater responsibility on the part of the Crees for their development" so as "to make possible an active and ongoing participation by the Crees in economic development activities on the James Bay Territory"; it "is based on a development model which relies on the principles of sustainable development, partnership and respect for the traditional way of life of the Crees, as well as on a long-term economic development strategy" (p. 1); it is meant to "[promote] the emergence of a Cree expertise in the field of economic development, job creation, and economic spin-offs for the Crees and the population of Quebec in

general"; all with the understanding that this is to be accomplished in the context of a "nation-to-nation" relation with Quebec[8].

With respect to forest management, the new Agreement stipulates that Quebec's forestry regime set out in the *Forest Act* of 2001 applies in the Cree territory, but in a manner that allows "a) adaptation to better take into account the Cree traditional way of life; b) greater integration of concerns relating to sustainable development; c) participation, in the form of consultation, by the James Bay Crees in the various forest activities operations planning and management processes." In essence, this means that the Quebec forestry regime will be tailored to suit Cree needs and environmental and cultural priorities. Annual allowable cuts and General Forest Management Plans cannot be agreed upon or decided without the prior consent of the host community and the Cree hunters likely to be affected by logging activities; and without taking into account key historical and ecological factors as well as factors related to the forest structures (in order to improve the distribution of age categories). Similarly, no forest management activities can be undertaken on sites of special interest to the Cree without their permission. These include traditional, cultural and sacred sites, burial sites, seasonal and permanent camps, fruit picking areas, archeological sites and sites with archeological potential, portage trails, bear dens, waterfowl blinds, supply sources of drinking water and any other sites of special value to the Cree.

The Agreement also sets up two supervisory institutional mechanisms in which the Cree are full and equal participants: the Cree-Quebec Forestry Board (CQFB) and Joint Working Groups (JWG). The CQFB is composed of five Cree representatives appointed by the Cree Regional Authority and five members chosen by the Quebec government. It operates at the level of the whole region to monitor, analyze and assess the implementation of the forestry provisions included in the Agreement. Joint Working Groups are established in each Cree community to discuss technical issues, review and solve conflicting uses of forest resources, ensure the implementation of the processes relating to the preparation, consultation and monitoring of the forest management plans and exchange information on any forestry-related matters[9]. Finally, the Agreement makes available to Cree enterprises an annual volume of 350,000 cubic meters of timber (in addition to forestry activities already in operation on Category I lands) and commits the government to facilitate Cree employment in the forest industry.

Although the *Paix des Braves* does not modify the ownership regime and the JBNQA extinguishment of Cree territorial rights, it enables the Cree to assume a central and determining role in the decision-making process regarding land management issues, not simply as watchdogs of the economic use of natural resources, but more importantly, in a way that allows them to ensure that their particular philosophy of land use—the socio-cultural meaning they attach to the land—will be given prominence.

The passage to this more enviable situation from a state of affairs in which, despite the theoretical existence of co-management mechanisms extant in the JBNQA, the Cree were, more often than not, overruled, marginalized or reduced to unimportant functions (Feit and Beaulieu; Penn; Rodon 177-204; Scott and Webber) illustrates the remarkable ascent of the Cree on the scale of First Nations involvement in forest management conceived by forestry specialist Stephen Wyatt. Wyatt distinguishes five degrees of First Nations involvement in forest management: 1. *Forestry excluding First Nations*, which long characterized the standard stance of Canadian governments and the forest industry until the 1970s, but is no longer in force. 2. *Forestry by First Nations*, whereby members of First Nations or First Nations communities may draw economic benefits from forestry contracts or milling operations, but would have little opportunities to modify existing forest practices to reflect their own values or goals or to see forest management adopt their traditional institutions. 3. *Forestry for First Nations* represents the forest management system most often in force in Canada at the moment: existing government regulations and tenure arrangements continue to prevail, but with enough flexibility to encourage First Nations' participation and take into account their knowledge of the land through consultation processes. 4. *Forestry with First Nations* implies a significant modification of existing forestry regime, which while staying within existing regulatory frameworks, allows for forest management to be shared with First Nations, recognizing both their rights and the value of their traditional knowledge of the land on a equal footing with western science. 5. *Aboriginal forestry* finally represents a forest management system in which the interests of First Nations are dominant and whereby they are able to define the practices and institutions they wish to develop and permit on their land (177-178).

The JBNQA had the theoretical possibility for the third degree of involvement (forestry for First Nations), but as we will see below, it was closer in actual terms to the second degree (forestry by First Nations). The *Paix des Braves* does not quite allow for the highest degree, a full system of Aboriginal forestry, to exist (the regulatory framework of the state is

still in place), but it comes close. Judged on the basis of Wyatt's scale, the *Paix des Braves* meets the standards of the fourth degree of First Nations control over forest management (forestry with First Nations) and exceeds current national practices. What happened in the three decades between the decision of the Quebec government to dispose of the Cree territory as it saw fit without prior consultation with them and the *Paix des Braves* constitutes a rupture in the socio-historical pattern of land appropriation by settler society, a reversal of the traditional dynamics of power in the management of the boreal forest, which is essentially attributable to the political resolve and agency of the Cree.

Soon after the ratification of the JBNQA, it became plain enough that the Quebec government saw the Agreement as a way to consolidate its jurisdiction over its northern frontier and open it to economic development (Peters qtd. in Lathoud, "Les enjeux" 157). The diminishing availability of quality timber from southern forests prompted the government to facilitate the northward expansion of the forest industry with a number of measures[10] that led to a rapid increase in portions of the Cree territory being harvested (mostly clear cut) for the benefit of forest companies. In the early years of the JBNQA, 125 square kilometers of forest land were harvested annually; by 1989, it was up to 400 square kilometers and reached 500 square kilometers per year by 2000. In 1993, several hunting territories (traplines) had been depleted of between 40 and 80 percent of their forest cover. By the end of the 1990s, more than 5000 square kilometers of Cree forest (roughly 10 percent of the forested portion of the Cree territory) had been logged intensively. Except for one Cree forest company (Mishtuk Corporation), all the beneficiaries of the government's largesse with Cree land were non-Indigenous companies. Parallel to this situation, the greater ease of access to the territory (thanks to new logging roads and roads leading to the construction sites of hydroelectric projects) intensified sport hunting and fishing by non-Cree, adding to the pressures on the resources of the land.

In the end, all this new, basically non-Cree activity was profoundly disruptive of the region's ecosystem, indeed to an extent the Cree themselves had surely not anticipated. Animal habitats were destroyed, vegetation disappeared in several areas, soil degradation was considerable in many places, natural irrigation patterns were upset, spawning areas spoiled, beaver dams ruined, and game moved away. As a result, not only have Cree hunters had to change their habits and practices as customary environmental referents vanished and ancestral knowledge of the land became inapplicable, but many of the patterns of social interaction and

cultural values traditionally associated with the Cree way of hunting, fishing and harvesting the land faced significant stress or became obsolete (Lathoud, "Les enjeux" 157-160; Lévesque and Montpetit).

One might argue, from a purely technical standpoint, that these consequences, as unpleasant as they appear, were in fact part and parcel of the deal the Cree willingly agreed to in 1975; or, again, that they were well counterbalanced by an overall improvement in their quality of life[11]. In fact, the Cree were more prepared to accept the changes brought about by the JBNQA than most people generally assume. Ethnographic evidence shows that the alteration of the traditional Cree way of life did not entail the disappearance of Cree culture or assimilation. On the contrary, Cree culture has been extremely resilient. It succeeded in adapting the external socio-cultural elements of the JBNQA universe to its own ends and remained vibrant in all the communities of the region (Adelson; James; Lévesque and Montpetit; Niezen, *Defending*). What the Cree were not prepared to accept were governmental interpretations of JBNQA provisions on forest management that differed fundamentally from theirs and threatened to impact negatively on the ecological quality of their land. They were not prepared either to obliterate their own conception of the land to benefit other visions. Their struggle to counteract governmental understanding of forest management issues framed by the JBNQA followed three distinct courses of action, which bear examining.

Playing by the Rules of the JBNQA and the State

Although from the early days of the JBNQA on the Cree's relationship with the Quebec state was never smooth and erupted numerous times in very public display of animosity (Jenson and Papillon; Papillon, *Action collective*), they essentially opted to work out differences with respect to forest policy within the bounds of the Agreement through the 1980s and the better part of the 1990s. In principle, the JBNQA included provisions for environmental protection and institutional mechanisms to ensure their application. Any forest management plan put forward by forest companies on the James Bay territory had to be vetted by the Consultative Committee on the Environment in James Bay (CCEJB) before ministerial approval. Similarly, any development plan related to logging, including roads, pulp and paper plants, wood processing and manufacturing or any change in land utilization affecting more than 65 square kilometers, had to be submitted to social and environmental impact assessment. The CCEJB's membership was composed in equal measure of representatives

from the Cree Regional Authority, the Quebec government and the federal government (four each) and chaired by the Chair of the Joint Committee on hunting, fishing and trapping. As a consultative body, the CCEJB's recommendations were not binding, but the Minister responsible for forests (usually the Minister of Natural Resources) was expected to pay serious heed to them. In reality, the CCEJB often lacked the appropriate financial and human resources to make proper assessments, development projects managed to escape CCEJB's scrutiny, Ministers failed to follow suit on CCEJB's requests for more information or went ahead, against CCEJB's opinion, with forest management plans that did not meet the JBNQA's guidelines for environmental and social protection. The Ministry generally maintained that commercial forestry operations were not subject to the impact assessment process outlined in the JBNQA.

By most accounts, forest management under the JBNQA proved to be most frustrating for the Cree. Their interpretation of environmental protection as formulated in the Agreement regularly differed from that of the government and their views were routinely bypassed or dismissed. None of their suggestions and recommendations actually saw their way into the new *Forest Act* of 1986. The Cree had insisted that public consultation mechanisms be created to ensure wider participation of their communities into the decision-making process regarding forest management. Instead, the new legislation made forest companies directly responsible for presenting their forest management plans (rather than the Minister as was the case before). And although a series of legislative amendments were added to the law between 1986 and 1996 in order to enhance the public consultation dimension of it, the mechanisms put in place proved inadequate: the Cree were considered on the same footing as any other stakeholder, the lead time allowed to react to forest management plans was insufficient and no clear and systematic rules of procedures were spelled out. In the end, the power balance was loaded in favour of forest companies who ultimately decided on the parameters for the implementation of consultation processes. They typically limited themselves to negotiating financial compensation and contractual agreements with *tallymen* (heads of hunting families) and communities affected by logging operations, escaping in the process more in-depth scrutiny and the obligation to abide by strict environmental norms. In their view, those contracts were proof enough that the concerned population was sufficiently informed and had consented to their logging plans.

Overall, under the JBNQA regime until the *Paix des Braves*, efforts to create the appearance of effective Cree participation in forest management

remained unconvincing. As Feit and Beaulieu put it: "the need for Cree involvement has been denied and subverted by statements and actions of senior government representatives." Participatory initiatives put forward by either the state or corporations were in fact "more concerned with legitimating (…) existing decisions (…) than with creating effective participation for Cree or with changing environmental and social impacts on the ground" (143).

Judicial Activism

By the early 1990s the Cree began to resort to the courts with increased frequency to press their case particularly against Quebec's new projects of hydroelectric development and what they saw as abuses of the terms and conditions of the JBNQA. Clearly, playing by the rules did nothing to secure their rightful socio-cultural paramountcy on the land as their experience in forest policy making attested. Legal action, on the other hand, and attacks in international fora on the public image of the Quebec and Canadian governments paid tangible political dividends: in 1994, despite important financial commitments made to undertake the Great Whale project, the Quebec government bowed down to Cree pressures and shelved its substantial hydroelectric development plan in the northern part of James Bay indefinitely. The tactic worked and was extended to the forest dossier.

On July 15, 1998, the Grand Council of the Crees along with a number of individuals (tallymen and chiefs) filed a law suit in Quebec Superior Court against the federal and Quebec governments and 27 forest companies involved in harvesting timber on Cree land since 1975. The Cree argued that existing forestry practices did not abide by Quebec laws and the JBNQA; that they had been authorized without their consent and without proper impact assessments; and that logging operations hampered their traditional hunting, fishing and trapping activities. They blamed the governments for having failed to stand up to their engagements and properly protect the Cree way of life as promised in the JBNQA. In compensation, they demanded that their Aboriginal rights and those contained in the JBNQA be fully recognized; that governments take the necessary actions to ensure that forestry practices be compatible with the preservation of their traditional activities; and that all forestry operations on their territory be, without exception, submitted to social and environmental impact assessments. In addition, they claimed 200 million dollars from both Quebec and the federal government, 300 million dollars

from all the other defendants and 200 dollars per tree felled since the day of the signing of the JBNQA on November 11, 1975.

A year later, on July 6, 1999, as the case was still pending, the Cree filed a request for an interlocutory injunction to forbid the Minister of Natural Resources from approving forest management plans and renewing the timber supply and forest management agreements (operation contracts) of forest companies active on the James Bay territory. Three weeks later they filed a second request for an injunction to interrupt all forestry activities that did not meet with the approval of the Cree until a ruling on the main case was rendered. Finally, seeing that a decision would probably not be forthcoming on their request for an injunction before the fall of 2000, several months past the deadline for the renewal of timber supply and forest management agreements, they filed for an interim judgment. On December 20, 1999, Superior Court Judge Jean-Jacques Croteau ruled that the rights of the Cree had been openly and continuously violated by Quebec's forestry regime, adding that the logging system was illegal and non-constitutional, for it evaded the impact assessment process enshrined in the JBNQA and Quebec's own *Quality of the Environment Act*. Judge Croteau gave the government six months to modify its laws and enact an impact assessment process conforming to the provisions of the JBNQA; failure to do so would bring an end to logging activities on July 1, 2000. Unsurprisingly, the Quebec government and logging companies appealed the decision. It was overturned on May 15, 2000 by the Quebec Court of Appeals. The Court ruled that Judge Croteau had prematurely decided on the substance of the case, rather than focusing on the injunction as he was requested, and prohibited him from hearing the main case as his partiality was arguably in question. The Cree responded with outrage and hinted that the government exercised undue influence on the province's upper Court.

Although the Cree did not quite obtain satisfaction, they got the government's attention. After nearly 18 months of judicial tug of war, the government called a high-level meeting on November 23, 2000, which brought together, the Grand Council of the Crees, the Premier, the Minister of Natural Resources and the Minister of Aboriginal Affairs, to settle the Cree suit out of court. The Cree suggested in turn the creation of a bipartite structure, with equal representation from their side and the government, responsible for enforcing the forestry regime of the JBNQA. This structure would be established through a complementary agreement, which would be tantamount to a constitutional treaty. The government refused and reiterated its prerogatives as sole manager

of public land in Quebec. Still, a few weeks later, it came back with a proposal that essentially promised to facilitate a better application of the forestry provisions of the JBNQA, create a fund to assist Cree hunters and trappers financially and harmonize logging activities with their practices, and increase Cree employment in the forest industry. The Cree rejected this offer as it did not address its most crucial demand: the unequivocal obligation of all forestry operations to submit to social and environmental impact assessments.

On March 15, 2001, the Supreme Court of Canada refused to hear the Cree's appeal against the ruling of the Quebec Court of Appeals cancelling Judge Croteau's interim judgment and upheld that decision. Undaunted by this reversal, the Cree took their case instead to the court of public opinion, hoping to embarrass the government. They essentially lobbied the US government to raise additional duties on Quebec softwood lumber on account of the fact that the Quebec government subsidized the forest industry by imposing duties lower than what the market dictated and by waiving their obligation of forest companies to submit to impact assessment as its own rules command. As 87 percent of Quebec's lumber exports are to the United States, the government took notice. Similarly, the uncompromising critique of the Quebec forestry regime the Cree presented to the parliamentary commission examining the new *Act to Amend the Forest Act*, 2001 did also not go unnoticed.

The Cree's persistence eventually paid off. On October 23, 2001 they signed the Agreement in principle that would be ratified a few months later as the *Paix des Braves*. In doing so, they agreed to drop their legal suit against the government. Analysts agree by and large that the government had much to lose by continuing to object to the Cree's claims on Quebec's boreal forest. The political impasse created by their legal action stalled its ambitions to develop further hydroelectric projects in the north, notably in the watershed of the powerful Rupert River. In calculating its opportunity costs, the government realized that it had more to gain by settling with the Cree over forest management issues than by questioning the legitimacy of their position and opposing them. Be that as it may, it does not take away the fact that the Cree held fast and acquired as a result substantial sway over the management of their land.

The Waswanipi Cree Model Forest

The story of the Waswanipi Cree Model Forest (WCMF) is not about a political action in the conventional, institutional sense of the term. The WCMF is about community self-empowerment and the search for an alternative way of treating the forest in accord with Cree principles of land stewardship. In this sense it constitutes an eminently political gesture that speaks to the Cree's determination to reintroduce the prominence of their environmental ethos on the land they inhabit and reappropriate, on their terms, control of the goods it offers.

Waswanipi is the southernmost of the nine Cree communities around James Bay. It is located 800 kilometers north of Montreal in an area where the forest cover is still abundant enough and the trees' size sufficient to have an appealing value. Waswanipi's land base extends over 35,000 square kilometers and is divided into 52 ancestral family hunting territories. In order to provide employment and economic spin-offs for the community, the Waswanipi band council created two forest enterprises: the Waswanipi Mishtuk Corporation, a logging company, in 1983 and the Apit-See-Win cooperative, a tree farm, in 1986. Both enterprises were merged under the Mishtuk Corporation in 1999 for administrative expediency.

During the first years of its operation Mishtuk did not log any differently than the other, non-Cree forest companies, submitting as well to bottom line imperatives, conforming to governmental norms and regulations and engaging in clear-cutting practices that disrupted the ecosystem of large tracts of forest. By 1991, bowing to pressures from the community, particularly local trappers and hunters, the company modified its harvesting methods by reducing the quantity of felled timber and logging much smaller parcels of land strategically dispersed on the territory so as to minimize the environmental footprint.

In fact, the community became increasingly more vocal about forestry issues and sought greater input in forest management and planning. In keeping with community expectation on this score the band successfully applied to be included in the Canadian model forests network in 1997. The Canadian model forest concept took shape in the early 1990s on the heels of a number of national and international commitments to sustainable forest management and in accord with the "Forest Principles" document produced at the 1992 Rio de Janeiro Earth Summit. The Canadian model forests network defines a model forest as "a place where

the best sustainable forest management practices are developed, tested and shared across the country. It is an ideal laboratory for conducting research on sustainable forest management." The model forest is a not-for-profit organization bringing together a group of stakeholders (forest companies, Aboriginal communities, maple syrup producers, woodlot owners, parks, environmentalists, universities, government agencies, recreational groups, community associations, hunters, trappers) "who have different perspectives on the social, economic and environmental dynamics within their forest", but who "have integrated their own interests into their common goal of developing approaches to sustainable forest management that do not sacrifice one interest for another."[12]

As far as the WCMF is concerned, its particular vision hinges on three key components: 1. "the meaningful participation of the community in the land management process through the sharing and adoption of Cree environmental knowledge, information and perspectives"; 2."the adoption of sustainable forest management principles and practices on the territory of the Waswanipi Cree"; and 3. the design and implementation of "good communication mechanisms and programs to transfer technology and knowledge (…) among other First Nations and at the local, national and international levels" (Pelletier 2). Despite some glitches and the reluctance of some participants in the early stages (Lussier and Lévesque), the WCMF provides a framework in which the Cree invariably assume leadership in the development of forest management processes and can effectively sensitize other stakeholders to the importance and socio-environmental significance of their perspective on the forest. There were tensions among participants during the course of the judicial conflict that opposed the Cree to the Quebec government between 1998 and 2000, but it was decided that the WCMF could be used "as a special place to explore improvements" (Pelletier 6).

The WCMF operates on the basis of financial support from the Ministry of Natural Resources, Cree Human Resource Development and the Canadian Forest Service (at Natural Resources Canada). It is managed by a 26-member board of administrators with a majority of Cree representatives, a smaller executive comprised of 12 members from the board of administrators, where again, Cree representatives are in a majority, and a Cree-only management team of four individuals. The WCMF spearheads a number of projects including a pilot project (Ndoho Istchee) involving three traplines and several forest companies with a view to integrate Cree values and needs in forest planning and management, as well as the "Trapline Forestry Project", which focuses on insuring the

frontline participation of the Cree community in the consultation and decision-making processes around forest management issues (Pelletier).

Observers generally agree that the WCMF has been a profitable undertaking for the Cree. It represents a very important step forward that brings them closer to securing more definitely the survival and influence of their environmental ethos, and thus to a fuller control both over the physical destiny of their homeland and socio-economic outcomes.

Putting Things in Perspective

Have the James Bay Cree truly regained control over their land? For all its positive results and community-based nature, the WCMF stems from an initiative (the Canadian model forests network) and a structure that are exogenous to First Nations' mindsets; it is still somewhat short of a genuine "Aboriginal forestry" model. Also, its future is uncertain: Natural Resources Canada did not renew its funding in 2007, and without the financial assistance of the state, it is unclear whether the whole experience can even be continued[13]. A full evaluation of the results of the WCMF has yet to be done, but analyses of similar experiments show that the actual influence of the community in forest management remains superficial and it often struggles to overcome traditional imperatives of economic effectiveness and the salience of the industrial forest model (Reed and McIlveen). Similarly, the *Paix des Braves* may extend the Cree's input in forest management and their leadership may still be happy with the way it has been unfolding so far (Saganash), but after hardly more than eight years of implementation it is still early to ascertain beyond any doubt how beneficial and transformative it really is (Dupuis). Past experiences of partnership and co-management with the state have a rather mixed track record (Rodon; Nadasdy) and skeptics may legitimately wonder why the latest agreement should be any different. Finally, as critics of self-government agreements will be quick to argue, the bottom line has not changed: land rights are still extinguished and the Cree still do not exercise full, incontrovertible control over the entirety of their ancestral territory.

Despite these many caveats a tangible fact remains: the Cree experienced a remarkably rapid evolution from "forestry by First Nations" to "forestry with First Nations", which brought an end to their marginalization from decision making in the boreal forest. This ability to re-empower themselves and reclaim genuine influence over the land

appears all the more meaningful seen in light of the general socio-political context in which forest policy in Quebec is shaped.

The commercial exploitation of forest resources has long been an important and socially significant sector of the Quebec economy. Through the nineteenth and twentieth centuries Quebec's southern forests (and progressively northern forests as well) have been a crucial source of raw material first for the British naval industry (until the 1840s) and then for the American and local lumber market and, more notably, the pulp and paper industry. As a result, many Quebec towns and communities owe their origin and existence to the forest sector. Well into the twentieth century, social and economic life in several rural and peripheral regions of the province, was organized around one, (typically American or Anglo-Canadian owned) major sawmill or pulp and paper manufacturer and a number of small woodlots supplying the lumber and pulpwood markets. Still today many areas of Quebec remain largely dependent on the forest industry.[14]

Unsurprisingly, the socio-economic stakes are high and the forest sector suffers through considerable socio-political stress. First, international competition has reduced the ability of the Quebec forest industry to provide as consistent and reliable a livelihood as it did in the past for a growing number of forest-dependent communities whose viability hangs in the balance as plant shutdowns have been an all too common occurrence for several years now. The forest industry is global in outlook. Its "personnel and investment visions span the globe rather than specific localities," and as such, the welfare of local communities and environments is "likely to be filtered through global investment opportunities where the profitability and return on investment figure the most prominently" (Sandberg, Houde, and Lavoie 68).

Secondly, as a result, the state is regularly torn between its role as steward and regulator of Quebec forests[15] and demands from forest companies and forest-dependent communities for increased access to timber supplies and looser harvesting norms—between, in other words, its official commitment to sustainability and conservation and its moral obligation to help communities maintain their livelihood on the basis of a fast-depleting natural resource.[16] According to a joint report of the World Wildlife Fund (WWF-Canada) and the Canadian Parks and Wilderness Society (CPAWS), Quebec has been doing rather poorly at this balancing act. Quebec's approach to forest management meets virtually none of the standards of the Forest Stewardship Council (FSC)[17] for ecology and

environmental protection and comes dead last among the other main Canadian provinces involved in forestry on a large scale (Henschel and Tessier).

Finally, there is practically no consensus among stakeholders as to what should constitute the most appropriate approach to managing Quebec's forests (Houde and Sandberg). Large, integrated lumber and pulp and paper transnational corporations (Abitibi-Consolidated, Kruger, Bowater, etc) unavoidably weigh quite heavily in defining the orientations of the industry. Though they claim commitment to sustainability, they favour a policy paradigm focused essentially on economic development and limited state intervention. Given their size and the extent of their economic capabilities, the government can hardly afford to disregard their views. Private woodlot owners, forest cooperatives, labour unions and wildlife and recreational organizations will take umbrage at the power of large companies and they are more likely to emphasize the protection of ecosystems and biodiversity, but in the end they share with large industrial concerns the same policy paradigm: environmental protection is fine so long as it does not harm the economy and hamper proper responses to market imperatives. On the other side of the spectrum, environmental groups and conservationists insist on the need to preserve the quality of biodiversity and the concomitant necessity to limit forest exploitation. Conservation, they contend, goes beyond economic interests. They argue that the state is too quick to endorse the industry's demands, endangering in the process the forest's health as well as animal and human habitats. The policy influence of environmentalists may be limited, but in the wake of the 1999 release of the hugely successful and widely acclaimed documentary movie *L'erreur boréale* on the deplorable state of sizeable areas of Quebec forests, public support for their views has been growing (Sandberg, Houde, and Lavoie)—a trend which the industry is taking great pain to counteract with public communication strategies designed to boast its ecological conscience.[18]

The insertion of the James Bay Cree into the politics of forest management in Quebec must be understood against this backdrop of a contested, contentious and ultimately fragile forest sector. Long precluded from having an input into forest management issues Indigenous peoples in Canada have only stepped into this policy field fairly recently. The *Constitution Act, 1982* and a number of Supreme Court decisions since then recognizing various aspects of Aboriginal title and the duty of governments and developers to consult with First Nations communities[19] have given them the legitimacy they did not have to intervene as *bona fide*

interlocutors in forest-related matters. They have done so, however, from perspectives and value sets that are all their own. They do not necessarily fit within the simple binary that oppose supporters of economic development paradigms and conservationists. Though they have in many cases sought the latter's support when the requisites of their cause warranted it, they have also been known to endorse pro-economic development views and projects. "Their battle is at another level," explain forestry specialists:

> They fight for a development independent of federal or provincial (outsider) administrations and mobilize for structures that would allow them to make decisions on wildlife and forest management for the territory in which they live. This takes place as they seek to redefine the relationship to the natural resource base and territory that is commensurate with an aboriginal way of life. (Houde and Sandberg 424)

In other words, Indigenous peoples can easily appear as the "odd man out" in policy deliberations about forest management. Their presence scrambles the dynamics of exchange and the discursive and conceptual parameters to which non-Indigenous participants were accustomed before Indigenous opinion had to be included. It complicates matters in fact and adds to the stress of forest managers concerned to bridge the initial divide between conservationists and proponents of economic development, for it forces non-Indigenous actors to factor in dimensions they had hitherto never felt compelled to consider. Capitalist enterprises committed to the maximization of timber production under conditions of increasing scarcity and international competitiveness typically react to Indigenous voices in forest management debates with impatience, questioning what they see as abusive and culturally overloaded First Nations claims on the forest. Conservationists, on the other hand, are certainly more welcoming and sympathetic to Indigenous arguments, but they tend to frame their understanding of the forest in idealistic, almost mythical terms that are foreign to First Nations' concerns and actual experience of socio-economic marginalization (Baldwin).

Indigenous peoples are therefore almost always facing an upward battle—even with those who might readily side with them—when it comes to argue for their right to occupy and use the land as they please. All the more so, in fact, when things are considered at a meta narrative level as it were, beyond the purview of narrow competing economic interests that oppose on the surface Indigenous peoples and settler society. One must not underestimate the ideological and ontological gulf that exists between their respective conceptions of the land, the differing socio-cultural

meanings each loads it with, nor how it may complicate dialogue and negotiations over access, use and ownership.

Specialized scholarship has stressed the fundamental paradigmatic differences that separate the Cree's sense of the land from that which informs forest companies and the state. Simply put, the Cree relate to the land in a much more organic and holistic way than does settler society, guided as it is by the western utilitarian notions of individual property, use-value and commodity it attaches to the land. For the Cree the forest is a complex socio-cultural universe in which each constitutive element (the trees, the lakes, the rivers, the game, the fish, the people, the landscape) contributes to the sense of self and collective identity by which individuals define themselves and give meaning to their lives. "Managing" the forest implies infinitely more than issues of productive capacity, timber quotas and fiber yields, but involves first and foremost the preservation of the socio-ecological balance that is essential to the regeneration of Cree culture and society (Lathoud, "Paradigmes"; Lévesque and Montpetit). This is not to say that the Cree are impervious to the economic value of the forest—they have, after all, primarily derived their subsistence from it for most of their history—but the economics of it are necessarily filtered through its socio-cultural meaning. One can easily surmise how challenging it must be for them to get their views about forest management and planning across in a context where the hegemonic language of economic imperatives unquestioningly frames the terms and conditions of social intercourse and deliberation.

This divide between socio-cultural paradigms is further complicated in Quebec by the heightened politics of nationalist identity that has invariably undergirded the policy decisions of successive governments about almost everything since the days of the Quiet Revolution. Quebecers have put enormous stock in the development of their northern frontier. Control and mastery of the north have always been intimately linked to their historic drive for national affirmation and formulated in public discourse as the undeniable proof of their exceptional ability to regain the ground their history of subjugation had made them lose. Imbued with righteous self-purpose, they never quite imagined that the territory to which so much of their sense of collective worth was tied could also be as meaningful to another national group. As political geographer Caroline Desbiens explains: "the tapping of James Bay's hydroelectric potential since the 1970s has been synonymous with the tapping of divergent national imaginaries for native and non-native people in Quebec. Exploitation of natural resources in the region has activated different

narratives of political identity for each community" ("Producing" 101; "Nation to Nation"). These separate narratives, molded in dissimilar understandings of nature and of what each community can make of it toward national affirmation, have unavoidably collided over time; they have underscored the competition the Cree and Quebecers have engaged in for recognition and empowerment of their respective national or group identity. A competition in which, as Eurodescendants, Quebecers had a distinct advantage: for the Cree to have dealt with and made the best of this formidable hurdle is a powerful confirmation of the effectiveness of their political agency.

When considered within this broad context, the Cree's trajectory of re-empowerment is no insignificant feat. The fact is, as one analyst cogently put it, they "have managed to transform a regime of administrative decentralization into a much more complex regime under which they have far greater power to define the policy priorities, programs and orientations of their regional and local governing bodies. Faced with demographic pressures and an overdependence on government transfers [they] have repositioned themselves to take better advantage of the natural resource extraction economy of the region" (Papillon, "Aboriginal Quality of Life" 19).

From the standpoint of social critique, any political strategy, any policy choice is fair game. Intellectually, there may be nothing intrinsically wrong in gainsaying the strategies and policy choices that First Nations communities decide to endorse, but any questioning should at least be weighed against objective outcomes. In the case of the James Bay Cree, the JBNQA and the process of ongoing negotiation with the state that ensued legitimized their existence as collective actors and formally established that they could no longer be summarily dismissed when matters directly concerning them were at stake. In fact, as the Grand Council of the Crees recently recognized, "… this ever-present fight for our rights has been one thing that now defines us as a nation. Without this history, we would probably not be as motivated, as knowledgeable or as united in our effort to see the implementation of our rights and to garner respect for our existence as a nation" (18). The Cree's continued opposition to the state and their activism also forced open the way to a proper inclusion of their practices and traditions in the state's plans to use the boreal forest and in efforts at reconfiguring mainstream political and administrative institutions. Finally, on the Cree's own admission, their situation has improved and they enjoy a greater measure of empowerment

and control over areas and issues they deem important for their own collective development.

Although total, undivided control over the full expanse of Eeyou Istchee will probably continue to elude them in the foreseeable future, the story of the Cree's progressive re-empowerment over matters directly affecting their land bears out the ability of Indigenous peoples to be artisans of positive socio-political change for their own communities, but also—and in some respect, more significantly—for settler society. Indeed, while the *Paix des Braves* officially recognizes and consolidates thirty years of Cree claims on the land, it implies as well that the Quebec state and settler society agreed both to re-evaluate the political and institutional costs of not recognizing them and engage in a more authentically intercultural, equal and democratic interface with Indigenous peoples. Only a few years prior to the *Paix*, the Quebec government was still invoking the *terra nullius* argument in court to dismiss the notion that First Nations have ancestral rights to the land[20], and Hydro-Quebec, Quebec's state-owned power company, was commissioning historical studies to show that some of today's First Nations in the Saint Lawrence valley did not exist at the time of contact, and that, therefore, their claims to ancestral rights (and, by extension, their modern territorial claims) are unfounded[21]. The Cree's political doggedness played an important part in this momentous conversion.

Concluding Remarks: Rethinking the Analysis of First Nations/State Relations

The analytical route traced here to appreciate the political significance of territorial and self-government agreements between Indigenous peoples and the state in Canada does not invalidate the analysis of those who argue that Indigenous peoples insufficiently gain from them. We too acknowledge that the liberal state is marked by strong tendencies to renege on, or recast the meaning of previous commitments to making good on First Nations claims. We concede that it will invariably work to contain those claims and the political transformation they entail within the dominant cultural, normative and socio-institutional parameters of settler society. We also realize that the case of the James Bay Cree is, in some respects, exceptional. Despite real efforts and struggles, many other First Nations communities in Canada remain unsuccessful at reversing the traditional social dynamics of power that have been detrimental to their development and ability to determine their future. Unlike the Cree,

their resource base and assets do not happen to be as coveted by settler society and they find themselves without the requisite leverage that would bring the state to lighten its sway.

Our intellectual objective, however, lies elsewhere and is motivated principally by a concern for a more accurate representation and appreciation of the political and policy choices of First Nations communities. The socio-political complexity of the processes of recognition and political emancipation that Indigenous peoples initiate is not properly portrayed if, in the end, whatever measure of recognition and control they achieve, whatever positive change they instill in their dynamics of interaction with the state and settler society, is written off as incomplete or unimportant because it does not seem to come with as significant a degree of self-determination as one might ideally expect.

This speaks to the broader issue of the intellectual status and meaning one should accord to recognition and its coupling with the goal of self-determination when evaluating territorial and self-government agreements. The literature that is currently gaining authority on this question is running the risk of driving itself into an analytical dead end. It does not analyze or make sense of issues of self-government. Instead, it operates on the basis of a political narrative of its own—no real self-government without unequivocal self-determination and disengagement from settlers' institutions—which develops into a political ideal, a political agenda against which First Nations' political mobilizations and policy choices are evaluated, measured and eventually deemed insufficient or trapped into white settlers' subjectivities. Again, there is nothing fundamentally wrong with this approach. Only, it must be seen for what it is: an ideological, normative statement rather than an analytical attempt at making sense of the drive for socio-political recognition behind territorial and self-government agreements and at understanding it in and of itself, from the standpoint of Indigenous peoples.

Ours is a plea to appreciate First Nations' political and policy choices from the perspective of what they actually mean for the communities involved. The content of recognition and self-determination will vary according to time, place and actors. Where nothing short of full self-determination will do for some, a more moderate, conciliatory, "work-within-existing-institutions" approach might be sufficient for others. In the end, the priorities of the communities concerned, the way they understand and envision their future and development has to be respected and should be the main focus of analysis.

True enough, the governance structures the Cree have agreed to work with may be imperfect (Dupuis; Papillon, "Aboriginal Quality of Life"). They may also have engaged in a development process whose outcome is likely to entrench the requisites of capitalist globalization even further (Slowey, "The State"). What is at stake though, is the way in which the role of Indigenous peoples in the dynamics of social change and institutional transformation should be represented: as social actors in their own right, that is as political beings fully cognizant of what is the best course of action for them, or as mere subjects subjugated to the dictates of overpowering and unshakable structural and institutional imperatives imposed from outside? The success of the Cree in regaining, through politically adverse circumstances, an appreciable measure of control over the forestry and environmental agenda on their ancestral territory suggests that narratives emphasizing the structural determinants of colonialism and capitalist globalization, as the main factors explaining First Nations' relations with the state and settler society, may need somehow to be refashioned. Not so much because colonialism and the possessive individualism of capitalist social relations are not realities Indigenous peoples have to contend with—they undeniably are—but because some, like the James Bay Cree, transcend these realities and manage to forge ahead *in spite* of them. That this is possible against often insurmountable odds is the story that needs to be told.

Analyses of First Nations/state relations that stress the historical weight and socio-economic embeddedness of the patterns of power and domination imposed by settlers constitute a necessary reminder of the societal logic that is responsible for the difficult living conditions experienced by large segments of First Nations communities in Canada and for the persistence of often daunting obstacles to meaningful social change in those communities. However, as more stories of self-empowerment and agency emerge, it may be time to move beyond such analyses and recast them in ways that reflect the political assertiveness of Indigenous peoples and their role in defining the terms of their contemporary interface with the state and settler society. To continue to frame the understanding of First Nations/state relations by focusing predominantly on the historical injuries done to Indigenous peoples is to encourage ultimately "a politics of blame directed not at empowering the injured or vulnerable, but at punishing the perpetrators"—a "politics of resentment", as it were, "which reinforces social powerlessness by making that powerlessness the basis for political recognition and legal redress" (Armstrong 23; Brown). The course of action followed by the Cree over the past three decades indicates that they did not dwell much

on resentment. They worked instead through the existing system of power relations, constituting themselves as legitimate subjects in the process. They determined for themselves the kinds of responses needed to bring about the changes to this system of power they felt necessary to achieve their goals of socio-economic development and political affirmation.

Should this be considered a satisfactory outcome even though it fails in the end to eradicate the system of power and domination that has been deleterious to Indigenous peoples? In one of his last interviews, French philosopher Michel Foucault offers in a reflection on the theme of liberation in his work a thoughtful basis to answer this question:

> I have always been somewhat suspicious of the notion of liberation … I am not trying to say that liberation as such, or this or that form of liberation, does not exist: when a colonized people attempts to liberate itself from its colonizers, this is indeed a practice of liberation in the strict sense. But we know very well, and moreover, in this specific case, that this practice of liberation is not in itself sufficient to define the practices of freedom that will still be needed if this people, this society, and these individuals are to be able to define admissible and acceptable forms of existence or political society. This is why I emphasize practices of freedom over processes of liberation; again the latter have their place, but they do not seem to me to be capable by themselves of defining all the practical forms of freedom. (qtd. in Armstrong 22)[22]

If one takes liberation to be necessarily tantamount to the releasing of a pre-existing social or political identity from an oppressive external force, the achievements of the Cree in the boreal forest of Eeyou Istchee can only seem half-hearted. A politics of liberation, though, as Foucault argues, is primarily a fairly visceral reaction to oppression, not quite an organized set of principles capable of informing the direction a community or a society should take to assume the tasks and demands of freedom and formulate its working logic in ways that are meaningful for all its members. A politics of freedom implies maturity beyond the immediate objective of emancipation from an unbearable system of power and domination. In this sense, "freedom is the careful and innovative deployment of a power which is exercised, Foucault suggests, in the effort 'to acquire the rules of law, the management techniques, and also the morality, the ethos, the practices of the self, that will allow us to play these games of power with as little domination as possible'" (Armstrong 22). Critics of self-government agreements, we submit, tend to meld liberation from power with the attainment of freedom. They are

different outcomes and political objectives. The particular experience of the Cree with respect to institutional and sociopolitical transformation in the boreal forest instructs us all to ponder this crucial distinction in order to cast First Nations politics in its right frame.

Notes

* The authors thank their research assistants Nancy Bouchard, Julie Cunningham, Karine Dubé and Alexandre Morin-Chassé for their work on this project, as well as their colleagues of the SSHRC-funded (MCRI) research group on *Indigenous Peoples and Governance* for their comments on draft versions of this article.

1. "Land of the (James Bay) Cree", in Cree language.
2. Strictly speaking, the use of the notion of self-government in reference to Indigenous peoples is generally reserved in the Canadian context to formal self-government agreements between the Canadian government and First Nations communities. Although provinces can be and have been part of self-government negotiations, the power to grant Indigenous peoples self-government rests ultimately with the federal government as issues of Aboriginal political and administrative authority are framed by the *Indian Act*, a federal legislation. Still, within areas of jurisdiction that are constitutionally theirs, provinces exercise authority over First Nations communities and tensions over how much local power and administrative autonomy the latter should be allowed to enjoy are part and parcel of their relationship with provincial governments. Therefore, in this article we use the notion of self-government and the term "self-government agreement" in their broad and generic sense and not necessarily with reference to the institutional framework put in place by the Canadian state to settle self-government claims emanating from First Nations communities. Self-government is thus understood here mainly with respect to the oppositional dynamics they regularly experience in their dealings with provincial governments as they seek to secure a larger measure of autonomy and control over their collective destinies.
3. Otherwise known under its official designation as *An Agreement Concerning a New Relationship between le Gouvernement du Québec and the Crees of Québec*. The *Paix des Braves* represents the resolution of several years of political tension and negotiations between Quebec and the Cree nation to iron out lingering issues of implementation and interpretation of the provisions of the 1975 *James Bay and Northern Quebec Agreement*. The new agreement formalizes the nation-to-nation relationship of the Cree with the Quebec government and confers on the Cree nation greater responsibility in economic and community development as well as direct involvement in the forest and mining industries.
4. See also Altamirano-Jimenez, Coulthard, and Nadasdy for a similar perspective.
5. See also Belanger and Newhouse.
6. This programmatic vision has been developed particularly in the work of Taiaiake Alfred (*Peace*; *Wasàse*).
7. The perspective of Bill Namagoose on this score is telling. Mr. Namagoose is the Executive Director of the Grand Council of the Crees and a long-time key activist and advocate of Cree political rights. He wrote the following a few years ago, as he was taking stock of the *James Bay and Northern Quebec Agreement* and 30 years of political interaction between the Cree and the Quebec government: "When our leaders met in 1975, their children's education was in the hands of the Department of Indian and Northern Affairs or the Commission scolaire of Nouveau Quebec. Prior to that, education was delivered by the Roman Catholic Church [sic] and Anglican churches. Similarly, health services were provided for us, not by us. Education and health services were pitiful, but we had little say in either case. Our local governments consisted of perhaps one or two band employees and provided almost no services. We had no water or sewer systems, and little housing. As a result of our collective action through the Grand Council, we now have local governments

with hundreds of employees. We operate our school and health systems and have an income security program for those who want to live in the bush. These are examples of what we have accomplished over the past 30 years" ("A Message" 3). And in a more recent speech, he also noted: "The Crees were criticized in 1975 by many Aboriginal groups in Canada for having signed an agreement with Canada and with Quebec, thus in some manner they thought, weakening the relationship between Aboriginal peoples and the Imperial Crown. We were however trying to get into Canada on terms that were the best for our people. (…). Today … over 90 percent of our people speak the Cree language, 95 percent of our people still live in the Cree communities, we have the lowest rate of suicide among Aboriginal communities in Canada (about the same rate for Quebec), and our employment rate, while variable, seems to be at about 80 percent most of the time" ("Bill Namagoose"). Mr. Namagoose of course is a political leader who played a central role in the socio-economic transformation and improvement of his community; one can expect that his assessment of the policy choices endorsed by the Cree leadership over the years will be marked by his own sense of his personal investment in that process. Still, most of the key decisions made by Cree authorities since the *James Bay and Northern Quebec Agreement*, particularly in matters of economic development and environmental protection, have been submitted to extensive public consultations and referenda. There is no compelling reason to believe that they do not reflect the will of the majority or that they have not been designed with genuine objectives of socio-economic betterment for the Cree nation as a whole. One must also remember that barely three years prior to the signature of the JBNQA, the Quebec government was poised to undertake the construction of the largest hydro electric complex in the country and flood in the process huge tracts of hunting and fishing ground without any prior consultation with the Cree, let alone consideration for the resulting destruction of their livelihood and the socio-cultural system that hinged so intimately on the land. And just a few years earlier, in 1969, the federal government's White Paper was suggesting the final social assimilation and legal disappearance of Indigenous peoples in Canada. As the JBNQA recognized the Cree as legitimate collective socio-political actors, it basically reversed and put a stop to a policy trend that consisted in simply ignoring Indigenous peoples in development projects. Seen against the social and political backdrop of the time, the JBNQA, for all the imperfections that it would later show, was a major accomplishment for the Cree.

8. Quoted from the Agreement's preamble. The Agreement is available on line: http://www.autochtones.gouv. qc.ca/relations_autochtones/ententes/cris/entente-020207_en.pdf.
9. For more detailed information on the specific responsibilities and duties of the Cree-Quebec Forestry Board and the Joint Working Groups, see chapter 3 of the Agreement, sections 3.15 to 3.47.
10. Such as low stumpage fees, financial assistance for the construction of logging roads, large land grants to forest companies and allowing mills to increase their productive capacity.
11. See *supra*, note 7 and Papillon ("Aboriginal Quality of Life").
12. From the website of the Canadian model forests network (http://www.modelforest.net/cmfn/en/about/whatis.aspx), see under the link "What is a model forest?"
13. Minutes of the 150th meeting of the James Bay Advisory Committee on the Environment, September 12, 2007, p. 10. Available on line at http://www.ccebj-jbace.ca/english/organization/documents/Minutes-150_001.pdf.
14. The forest industry is implanted in more than 600 Quebec municipalities and is the main source of economic activity in 250 of them. Forest products rank first among Quebec's exports with a value of more than 20 billion dollars annually. The industry provides over 100,000 jobs, one fifth of which in harvesting activities. Forest-based tourism and recreation also generate over 1,5 billion dollars worth of business every year (Stein and Lavoie 2).
15. Ninety-two percent of Quebec's forest is public land, owned and managed by the Quebec government (Stein and Lavoie 2).
16. Regular epidemics of spruce budworms, the low regeneration rate of harvested areas

(only 45 percent re-grow properly), inadequate reforestation measures, and insufficient enforcement of regulatory norms of harvesting account in large part for the depletion of Quebec forest (Stein and Lavoie 2).

17. The Forest Stewardship Council is an international certification and labeling system guaranteeing that forest products brought to markets come from responsibly managed forests and verified recycled sources. FSC certification ensures that forest products bearing the "check-tree" logo meet but the strictest environmental and social standards.
18. See for example the document of the Quebec Forest Industry Council, titled *Le renouvellement de la forêt québécoise: questions et réponses* (http://www.cifq.qc.ca/imports/_uploaded/CIFQ_BroCFM2003.pdf), or the websites of companies such as Abitibi-Consolidated or Kruger.
19. Among some of the most relevant and influential decisions figure *Sparrow* (1990), *Gladstone* (1996), *Nikal* (1996), *Delgamuukw* (1997), *Haida Nation* (2004) and *Taku River First Nation* (2004).
20. The *terra nullius* argument holds that since hardly anyone lived on the North American continent in any socially organized fashion at the time of contact, the idea that Indigenous peoples today have rights stemming from their pre-contact occupation of the land makes no sense. The argument was used by the government before the Supreme Court in R. v. Côté in 1996, but deemed inapplicable.
21. See Savard. These research findings are available in Dawson (*Des Attikamègues; Feu, fourrures*).
22. We thank Michael Asch for bringing our attention to the analytical significance of this passage.

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