



**Affaires autochtones et
Développement du Nord Canada**

**Aboriginal Affairs and
Northern Development Canada**



Modern Treaties in Quebec and the Eeyou Marine Region Land Claims Agreement

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Overview of Modern Treaties

- There are 26 comprehensive land claims and self-government agreements in Canada implemented since the introduction of the Government of Canada's Comprehensive Land Claims policy in 1973 and the establishment of the BC Treaty Process in 1992.
- The modern treaties cover over 40% of Canadian land mass and provide ownership, use and management over lands and natural resources for Aboriginal groups for a clearly defined package of rights and benefits agreed to in the settlement Agreement. These rights and benefits are legally protected under Section 35 of the *Constitution Act 1982*.
- Common goals of comprehensive land claims and self-government agreements in Canada are to:
 - Promote strong and self reliant Aboriginal communities;
 - Establish certainty and clarity re. ownership and management of lands and resources;
 - Contribute to creating a positive environment for investment and the development of Aboriginal businesses;
 - Enable Aboriginal groups to position themselves to take advantage of resource development;
 - Ensure a meaningful, effective voice in land and resource management decision making (land use plans, heritage co-management, parks co-management, etc.); and
 - Contribute to the protection of the cultures of Aboriginal signatories.



Overview of Modern Treaties Continued

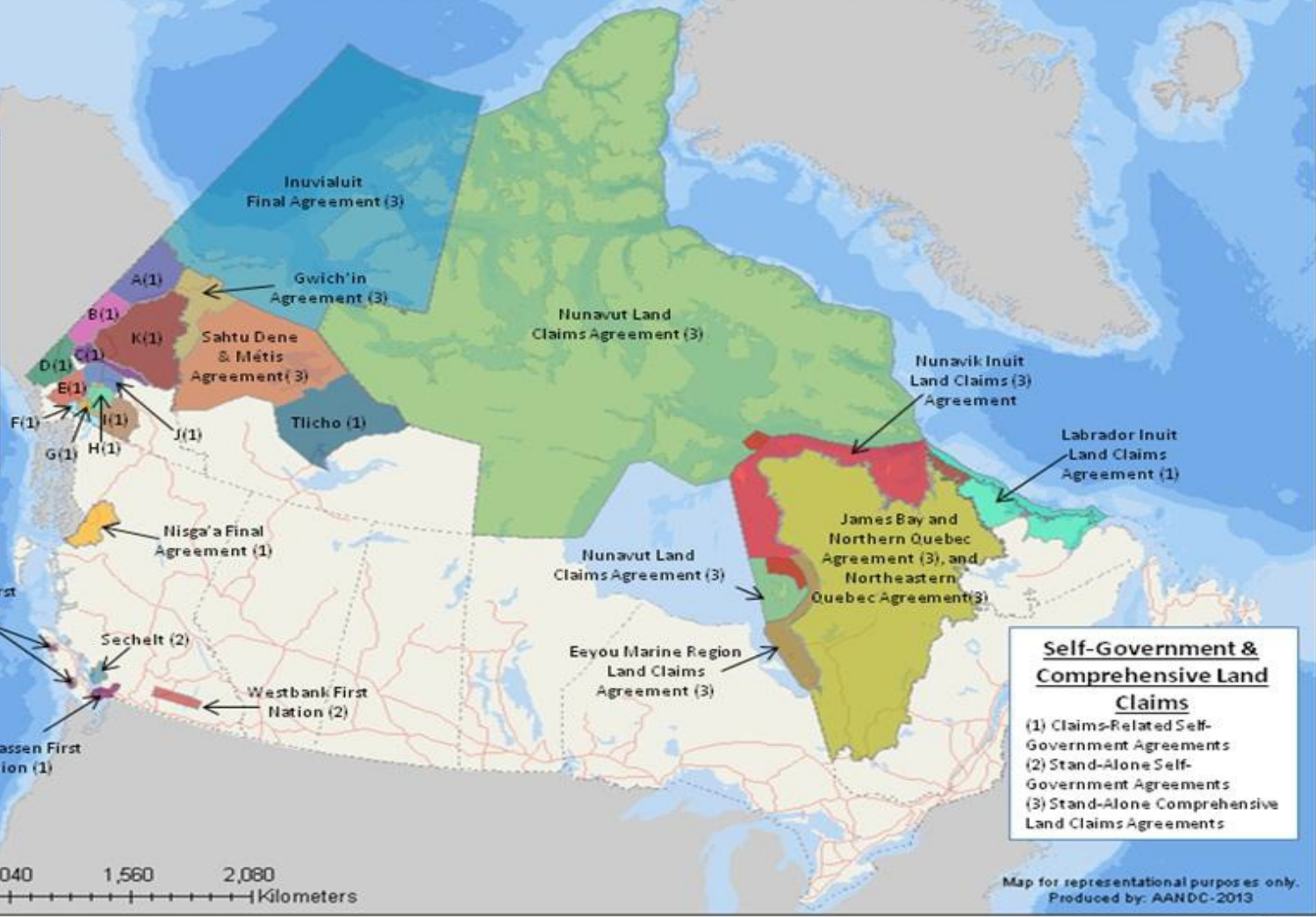
- The signatories to a modern treaty include the Aboriginal group, the federal government and the relevant province/territory. The James Bay and Northern Quebec Agreement is an exception to this since there are seven signatories.
- Each modern treaty covers a multitude of subjects and touches on the jurisdictions of three levels of government. Each brings different views, perspectives and priorities to the table.
- Within the federal government modern treaties impact the mandates of multiple departments and agencies, taking a whole-of-government-approach to implementation.

Self-Government and Comprehensive Land Claims Completed Agreements



Yukon Claims-Related Self-Government Agreements

- A(1) - Vuntut Gwich'in
- B(1) - Tr'ondëk Hwëch'in
- C(1) - Selkirk
- D(1) - Kluane
- E(1) - Champagne & Aishihik
- F(1) - Carcross / Tagish
- G(1) - Kwanlin Dun
- H(1) - Ta'an Kwach'an
- I(1) - Teslin Tlingit Council
- J(1) - Little Salmon / Carmacks
- K(1) - Nacho Nyak Dun



Here we have a visual of the 26 modern treaties across Canada. You can tell by this map that many of the agreements are located in the North (North of 60).

It is important to note that the maps contained within this presentation are for information only and the department cannot guarantee the accuracy or completeness of the information contained in them.



Modern Treaties in Quebec

- There are four Agreements in Quebec:
 - James Bay and Northern Quebec Agreement
(Signed in 1975, Effective in 1977)
 - Inuit: Implementation Agreement in 1990
 - Cree: New Relationship Agreement in 2008
 - Northeastern Quebec Agreement
(Signed in 1978, Effective in 1984)
 - Naskapi: NEQA Implementation Agreement in 1990
 - Nunavik Inuit Land Claims Agreement
(Signed in 2006, Effective in 2008)
 - Eeyou Marine Region Land Claims Agreement
(Signed in 2010, Effective in 2012)
- The NILCA and EMRLCA include their respective Implementation Plans.

Le Québec Nordique Northern Quebec

Terres de catégorie I, II et III de la Convention de la Baie-James et du Nord québécois et de la Convention du Nord-Est québécois
 Categories I, II and III lands of the James Bay and Northern Quebec Agreement and The Northeastern Quebec Agreement

	Cris / Crees	Inuit	Néotens
I	[Red Box]	[Green Box]	[Blue Box]
II	[Orange Box]	[Light Green Box]	[Light Blue Box]
III	[Yellow Box]	[Lightest Green Box]	[Lightest Blue Box]

Limites des régions marines des Inuit et des Cris
 Boundaries of Crees and Inuit Marine Regions

- Région marine du Nunavut / Nunavut Marine Region
- Région marine d'Ériq / Eriq Marine Region
- Région maritime de l'Est / East Marine Region
- Région extralittorale de chevauchement des intérêts Cris et Inuit / Inuit / Crees / Inuit Offshore overlapping interests area

Nations autochtones / Aboriginal Nations

- Abitibi / Abenaki
- Agropéens
- Aikaniens
- Cris / Crees
- Huron-Wendat
- Innu
- Métis / Métis
- Micmacs
- Mohawks
- Naskapis
- Inuit

Parks nationaux du Canada / National Parks of Canada

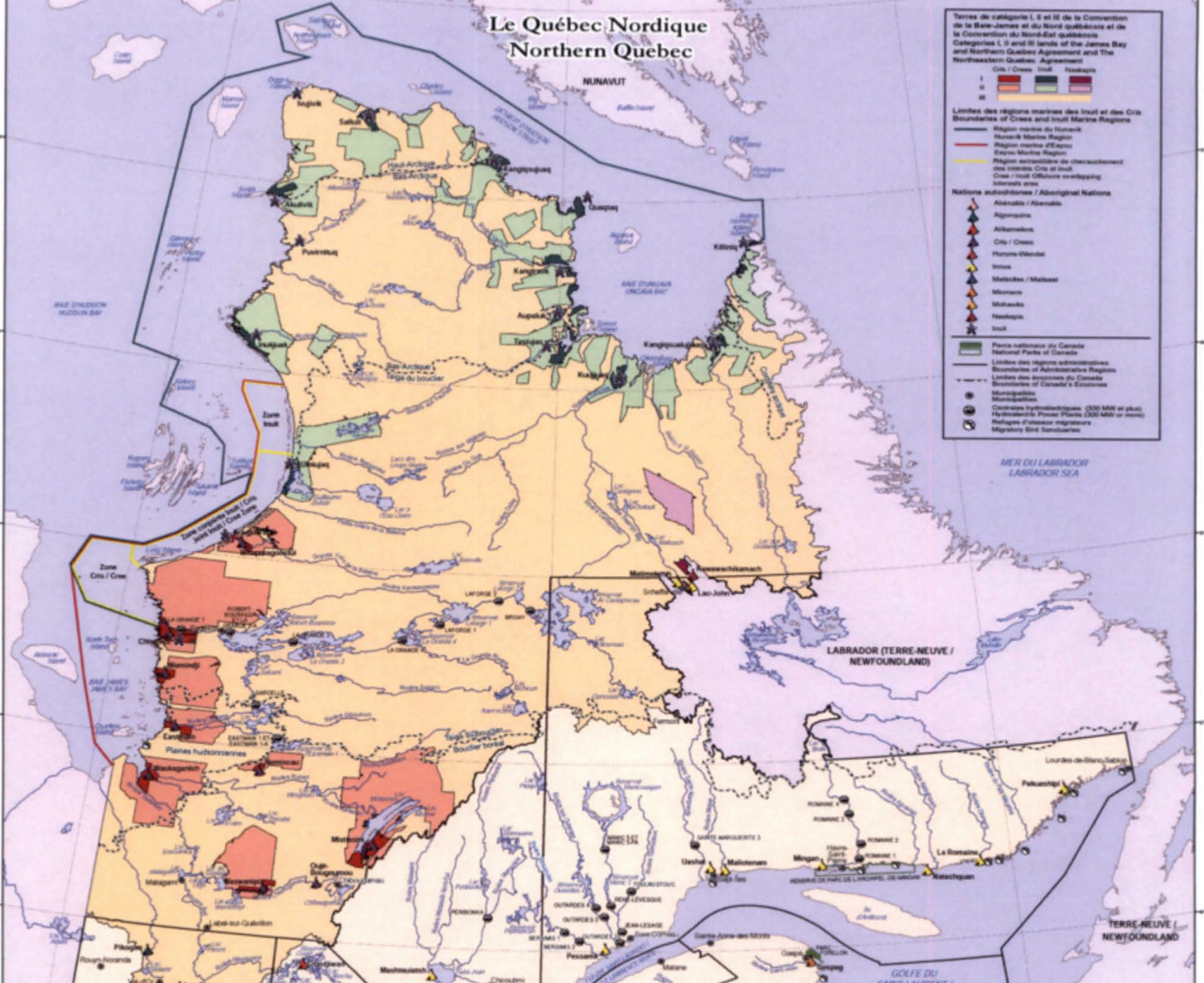
Limites des régions administratives / Boundaries of Administrative Regions

Limites des provinces du Canada / Boundaries of Canada's Provinces

Municipalités / Municipalities

Centrales hydroélectriques (300 MW et plus) / Hydroelectric Power Plants (300 MW or more)

Refuges d'oiseaux migrateurs / Migratory Bird Sanctuaries





Overview of the Previous Map

- Here we have a visual of the 4 modern Agreements in Quebec. Again, you can tell by this map that most of the agreements are located in the North.
- The JBNQA and NEQA are in beige and the Cree communities are highlighted in red (not the pink), the Inuit communities in green and the Naskapi Nation in dark red.
- These 2 Agreements cover a great land mass and include territorial and socio-environmental protection regimes as well as hunting, fishing and trapping rights.
- The NILCA is situated in the northern most part and is delineated in green and covers the Nunavik offshore region.
- The EMRLCA is to the west and delineated in red and covers the offshore region adjacent to Quebec.
- Finally, if you look closely at the boundaries, you can see that there are overlapping areas between some Agreements.

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Overview of the Population

- Under the JBNQA and NEQA, there are 9 Cree Communities, 15 Inuit Communities and one Naskapi Community (Naskapi Nation of Kawachikamach)
 - Cree: approximately 17,449 residents, represented by the Grand Council of the Crees (Eeyou Itschee).
 - Inuit: approximately 11,048 residents, represented by Makivik Corporation.
 - Naskapi: approximately 1,208 residents, represented by the Naskapi Landholding Corporation.
- Over 50% of the population is under 30 years of age.



Funding Modern Treaties

- A key part of implementation includes providing grants and contribution funding to Aboriginal governments, Agreement representatives, and implementing bodies. This varies according to the schedules negotiated in the Agreement and Implementation Plans.
- Some examples include:
 - Pre-Effective Date funding
 - The Anniversary Payment (Capital Transfer Payment)
 - One-Time Implementation Payments
 - Ongoing Implementation Payments
 - Fiscal Financing Agreement or Fiscal Transfer Agreement
 - Own Source Revenue

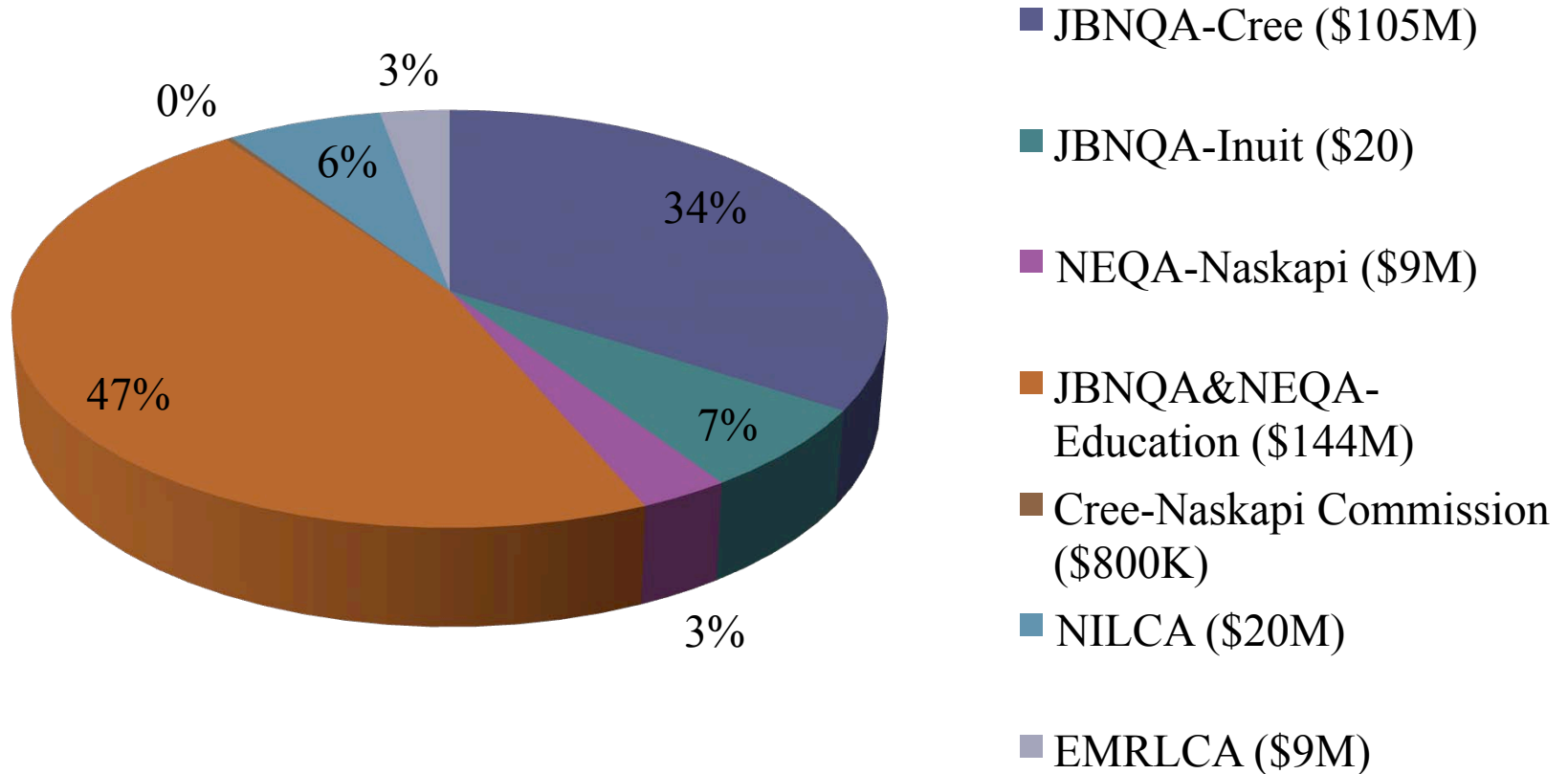


Definitions of the Examples of Funding

- Pre-effective Date funding: which is distributed between the signing and effective date to assist with commencing implementation.
- Anniversary Payment: is a grant provided annually on the anniversary of the Effective Date for a predetermined amount of years, or in the case of some newer agreements may be paid as a single payment.
- One-Time Implementation Payment: is a one-time payment for specified activities to assist with the start up of the new regime.
- Ongoing Implementation Payment: is for regularly occurring expenses such as the land management component of the Agreement and ongoing costs of operating the Aboriginal Organization.
- Fiscal Financing Agreement/Financial Transfer Agreement: is an ancillary agreement that provides funding for self-government. It specifies which programs and services an Aboriginal Government can enter into negotiations to draw down jurisdiction for. These agreements are renewed typically every 5 years, but for some agreements this may be 7-10 years. In some cases, they are combined with an Own Source Revenue Agreement, whereas in other cases, these may be separate agreements.
- Own Source Revenue Agreement: is part of a self-government agreement designed to reduce reliance on federal transfers. It involves a formula based calculation where a deduction is made from the federal transfers that include a schedule of inclusion rates that reach a cap in Year 20.



Approximate Budget for 2014-15 – AANDC



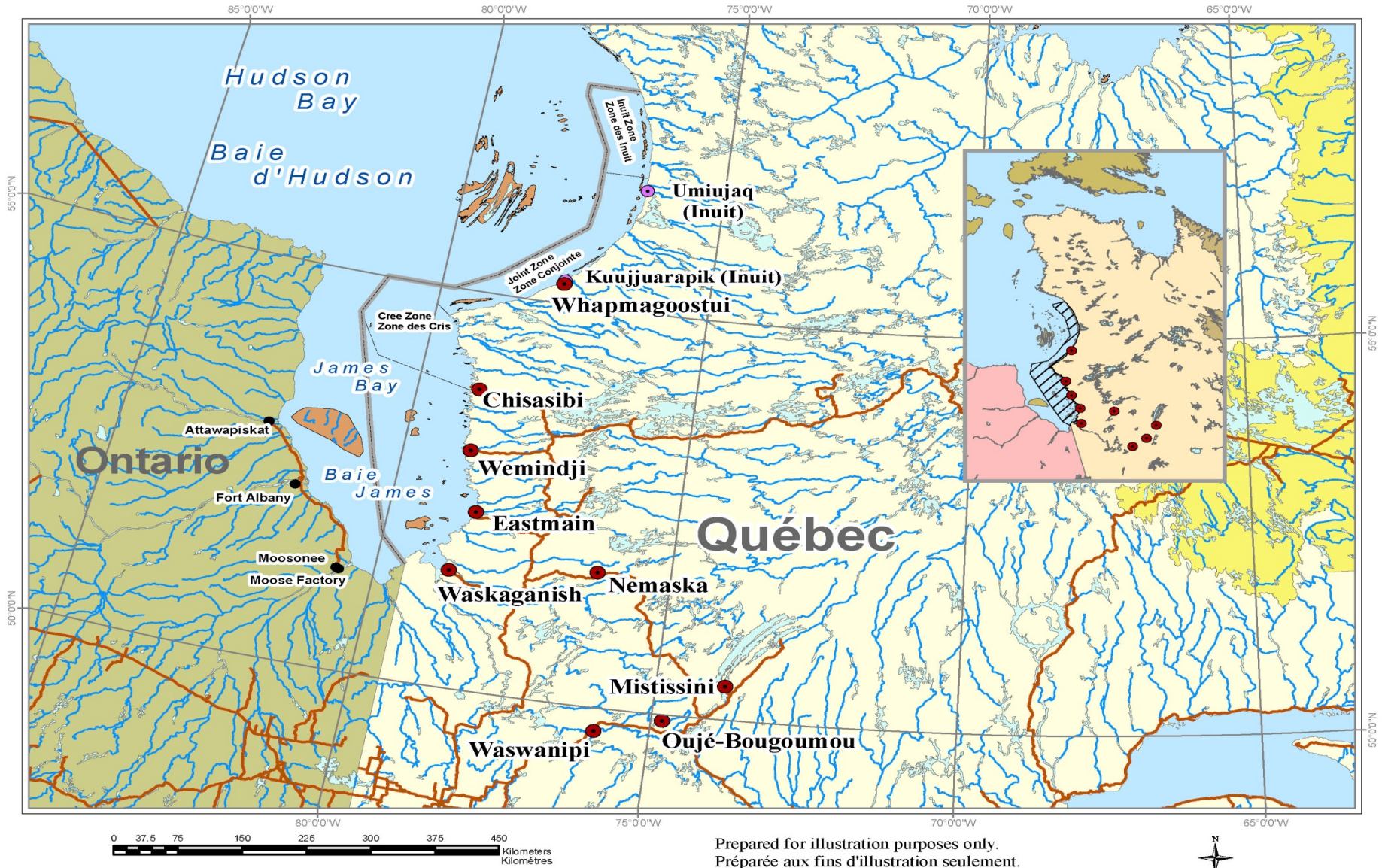
It is important to note that the EMRLCA's Planning Commission, the Boards, and the Secretariat have been established and are beginning their operations, we expect that the number will be higher in the next fiscal years.



Eeyou Marine Region Land Claims Agreement

- Signed on July 7, 2010, as a result of negotiations between the Crees of Eeyou Istchee, Canada, and Nunavut.
- Resolves the Crees' claim to rights in James Bay and Hudson Bay marine region dating back to the 1975 JBNQA.
- The settlement area encompasses Nunavut offshore islands and surrounding waters, adjacent to Quebec.
- It includes an Overlap Agreement (joint ownership) with the Nunavik Inuit in the Hudson Bay area.
- Unique jurisdictional aspect: Crees are residents of Quebec and the settlement area is in Nunavut.

Région Marine Eevou – Eevou Marine Region



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Eeyou Marine Region Land Claims Agreement – Continued

- It encompasses the marine region of approximately 61,270 square kilometers along the Quebec shores, with the particularity that the settlement area is located in Nunavut.
- The territory covers about 1,650 km²:
 - 1,050 km² are owned by the Crees, including rights to the surface and sub-surface resources
 - 200 km² under the purview of the Government of Canada
 - 400 km² (emerged and submerged) are covered in the Overlap Agreement with the Inuit of Nunavik
- The Crees have harvesting and associated rights in the Eeyou Marine Region.
- The Crees will receive annual royalties from the Government based on resource development in the Eeyou Marine Region.
- The federal government continues to have purview in the marine waters and the seabed.
- Creation of institutions of public governments to co-manage wildlife, land management, and development impact issues.



EMRLCA Implementation Plan

- The Implementation Plan is an accompanying document to the settlement Agreement.
- It acts as a ‘how to guide’ for implementing Agreement obligations, identifying activities, timeframes, responsible parties, and resources that were agreed upon to give effect to the Agreement.
- The Implementation Plan is effective for a 10-year period and in Year 8 of implementation, the Parties will begin the process of reviewing the Plan and commencing the renewal for the subsequent planning period.
- The Plan constitutes a legally binding contract between the signatories (unless otherwise specified), however, it does not form part of the Agreement and is not a land claim agreement or a treaty within the meaning of Section 35 of the *Constitution Act 1982*.



Implementation Committee

- The Implementation Committee is mandated in the Agreement and consists of representatives from each signatory body. The Committee is made up of representatives of the Crees, the Government of Nunavut and Canada (as represented by AANDC).
- The Committee is used as a forum for relationship building, joint priority setting, overseeing the implementation of the Agreement and is the first step in resolving disputes.
- Implementation Committees meet regularly, between 2-4 times a year.
- Of note, not all Agreements have an Implementation Committee. The JBNQA and the NEQA in Quebec do not have Implementation Committees as the land claim predates the legal requirement for Implementation Plan.



Commission and Boards

- The EMRLCA Agreement creates 1 Commission and 2 different Boards, namely:
 - The Eeyou Marine Region Planning Commission (EMRPC)
 - The Eeyou Marine Region Wildlife Board (EMRWB)
 - The Eeyou Marine Region Impact Review Board (EMRIRB)
- These are set up as external stakeholders to:
 - Provide advice and recommendations on specific topics related to the Agreement
 - Address matters relating to water, fisheries, wildlife, plants, environmental assessments, land use planning, economic development, Aboriginal cultures
 - Disseminate data and information to partners and stakeholders
 - Solicit opinion from Cree communities, residents, and others
 - Promote public awareness and participatory science with residents, partners, and stakeholders
 - Monitor projects in the Eeyou Marine Region (including the Overlap Area)
- The Commission and the Boards have been established and are beginning their operations.
- To assist in carrying out its research functions, Canada provided the EMRWB with \$5M in trust at signing.



Importance of Implementing Modern Treaties

- Modern treaties are an embodiment of the unique historic relationship between the Crown and Aboriginal peoples, fulfilling the Honour of the Crown and our ultimate goal of reconciliation with Aboriginal peoples.
- Treaties fulfill an important role in the economic development of Canada, in terms of ownership over lands and resource development and promoting economic and socio-economic opportunities in Aboriginal communities.
- Modern treaties provide the legal basis for Aboriginal groups to have power over resources and assets and the ability to use the lands and assets as economic levers to respond to socio-economic issues within their communities.
- While AANDC is the primary interface, it is important for federal departments to understand their specific obligations in Agreements and ensure those obligations are met in order to honour our commitments.
- One of the challenges of implementation is that the parties sometimes have different interpretations of treaty provisions. Strengthening our relationships, improving our communications and keeping the dialogue open are critical to avoiding and/or resolving disputes that may arise when implementing treaties.