

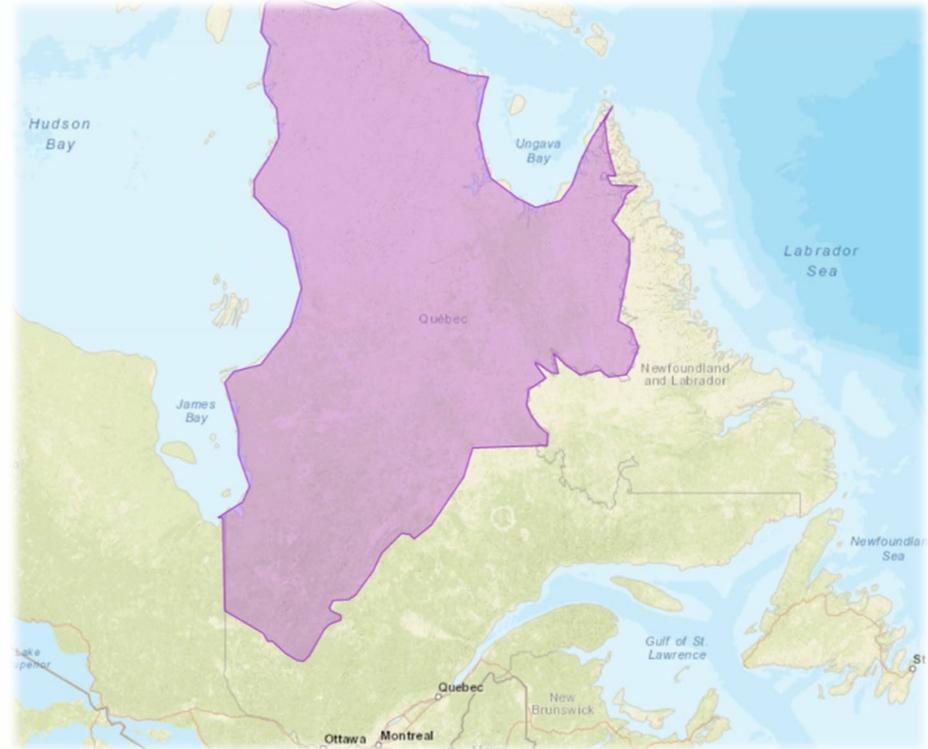


Dispute resolution under a modern treaty: The example of the James Bay and Northern Quebec Agreement

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James Bay & Northern Quebec Agreement

- Along with the Inuit of Nunavik, the James Bay Crees signed the JBNQA in 1975, with the governments of Québec and Canada as well as Hydro-Québec.



No plan for implementation

- The JBNQA was an out-of-court settlement of litigation challenging the planned hydro development of the territory.
- It was also Canada's first modern treaty.
- JBNQA included no plan for implementation.

Decades of litigation

- Through the 1980s and 1990s, the Cree Nation and/or its individual communities pursued dozens of proceedings against Quebec and Canada, as well as Hydro Quebec and mining and forestry companies, including:
 - Challenge to the Great Whale Project
 - Proceedings concerning the interpretation of numerous provisions of the JBNQA
 - Wide-ranging litigation concerning the non-implementation and breaches of the JBNQA
 - Challenge to forestry activities within JBNQA territory

Settlement agreement with Québec

- In 2002, the Cree Nation signed a new agreement with Québec, known as the *Paix des Braves*.
 - Settlement of numerous litigation matters
 - Nation-to-nation relationship of partnership and mutual respect
 - Adapted forestry regime
 - Cree consent for the Rupert River diversion project; Hydro Quebec abandonment of other planned hydro projects
 - Assumption by the Crees of Quebec's JBNQA responsibilities for economic development, for a period of 50 years

Settlement agreement with Canada

- In 2008, the Cree Nation signed the *New Relationship Agreement with Canada*
 - Settlement of numerous litigation matters
 - Release regarding past breaches by Canada of its implementation obligations under the JBNQA
 - Cree assumption of federal responsibilities under the JBNQA, for a period of 20 years, with funding provided by Canada to implement these responsibilities

Standing liaison committees

- The establishment of high-level standing liaison committees is a feature of the Cree agreements with both Quebec and Canada
- Committees provide a permanent forum for exchange and coordination, a venue for implementation follow-up, and a mechanism for dispute resolution
- Both standing liaison committees meet regularly