

THE JAMES BAY NORTHERN QUEBEC AGREEMENT

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Abstract

This paper seeks to examine the 1975 James Bay Northern Quebec Agreement (JBNQA). The Agreement is notable for officially sanctioning the largest hydroelectric development project in Quebec's history and has often been cited as Canada's most progressive and comprehensive land-claims settlement. This research paper argues that the JBNQA remains an incomplete and unfulfilled accord. While the agreement has clearly provided benefits for the province of Quebec, as well as the Cree of the eastern James Bay region and the Inuit of northern Quebec, a range of concerns surrounding the implementation can be identified.

Résumé

Cet article porte sur la Convention de la Baie James et du Nord québécois de 1975 qui a officiellement sanctionné le plus grand projet hydroélectrique de l'histoire du Québec et qui est souvent présentée comme le règlement le plus progressiste et le plus complet des revendications territoriales au Canada. Cet essai soutient que la Convention demeure un traité incomplet et non rempli. En effet, bien que la Convention ait résolument procuré des bénéfices au Québec ainsi qu'aux Cris de l'est de la baie James et aux Inuits du nord du Québec, il est possible d'identifier de nombreuses préoccupations quant à son exécution.

Introduction

The James Bay Northern Quebec Agreement (JBNQA) of 1975 is often regarded "as Canada's first modern land-claim settlement" – a settlement, decidedly progressive in its scope and breadth, reached between the province of Quebec and the Cree of the eastern James Bay region and Inuit of northern Quebec.¹ This essay will argue, however, that the JBNQA – officially sanctioning the largest hydroelectric

(indeed, economic) development project in Quebec's history – can most fully be understood as an initial, incomplete, and unfulfilled accord. A range of concerns surrounding the implementation of the JBNQA agreement, which simultaneously produced benefits and costs for the Quebec state and Native Peoples alike, would prove to serve as a catalyst towards two further agreements between Quebec and the Cree (the Paix des Braves in 2002), and Canada and the Cree (the Complementary Agreement of 2008), of the affected eastern James Bay region.

To support this thesis, this essay will raise and examine several critical issues, including: the scope and purpose of the Robert Bourassa Liberal government sponsored James Bay project; the reaction of the Cree and Inuit to this initiative; the principal features of the 1975 James Bay Northern Quebec Agreement; and, the principal impacts for Quebec and the Native Peoples arising from the JBNQA.² The historical context in which the JBNQA emerged will first be reviewed.

Historical Background

The land of Northern Quebec, the Cree and Inuit, and Economic Development

The physical territorial homeland of the Cree people immediately east of James Bay was transformed, starting in the seventeenth century, through imperial, federal, and provincial economic activities, and successive political “land transfers.” The Hudson's Bay Company (HBC) was particularly active in this region of northern Quebec, known as Rupert's Land.³ Working under a 1670 Charter from King Charles II of England – which “ordered the Company to respect the ancestral rights of Aboriginal Peoples, without defining their specific nature or exact scope” – the HBC worked closely with the Cree in the fur trading business.⁴ By 1871, HBC would sell the territories of Rupert's Land to the recently founded Canadian nation. Canada would in turn transfer significant amounts of this territory – in 1898 (north to the Eastmain River) and then again in 1912 (up to and including the Ungava region – to Quebec, including the Cree territory in the eastern James Bay region.⁵

Eastern James Bay and the Cree native Peoples would, by the middle of the twentieth century, begin to be “re-discovered” as an area for potential economic development by Quebec.⁶ While decidedly unsuitable for commercial agricultural purposes, the territory – i.e., the lands and waters – of the Cree proved to be of enormous attraction for the purposes of resource extraction and development. While interest emerged in the immediate post World War II period in mining and forestry, it was the prospect of large scale hydroelectric development

in the region that most fully captivated the attention of the business community and political officials alike. Indeed, the 1950s and early 1960s witnessed the emergence of multiple hydroelectric projects, largely developed and run by private companies, across Quebec.⁷ The publically controlled Hydroelectric Commission of Quebec (Hydro-Québec) was – especially following the nationalization, under Hydro-Québec, of hydro power in the province on May 1, 1963 – committed to the development of a significant hydroelectric project in the James Bay region.⁸ Beginning in the late 1950s, and accelerating throughout the 1960s, Hydro-Québec moved to intensively survey the lands and rivers (most notably the La Grande, Broadback, Nottaway, Rupert and Eastmain) of this territory in preparation for the potential launch of a government sponsored hydroelectric initiative.

The James Bay Project: Political, Economic and Legal Forces

A commitment by Quebec to a James Bay hydroelectric development plan was announced by Liberal Premier Robert Bourassa on the evening of April 30, 1971. Speaking at the Quebec Colisée, Bourassa – driven by a collective desire to harness Quebec’s hydroelectric resources in order to advance Quebec’s “burgeoning modern economy,”⁹ to create “tens of thousands”¹⁰ of new jobs, to entice new “investment in extractive industries,”¹¹ and to distance himself from the unpopular October Crisis of 1970 – announced an unparalleled hydroelectric initiative that, by focusing on the watershed region of eastern James Bay, would prove to be the so-called “Project of the Century.” In short, the flowing waters from a series of Quebec’s most prominent northern rivers (all of which, for the purposes of creating hydro power, would be physically altered in direction, scope and/or depth) would, through a massive interconnected web of turbines, transformers, and high-tension lines, generate enormous new sources of hydroelectric power to fuel Quebec’s industry and for potential export to the United States. According to Sean McCutcheon, “Hydro-Quebec predicted that electricity demand in Quebec would continue to double every decade or an average rate of 7.9 percent per year.”¹² What Bourassa was fundamentally calling for, Hans Carlson writes, was transformative in nature: “he told Quebec society to look north and to rethink this region and its uses to the province.”¹³

What did the James Bay project call for? “The project,” according to Gossage and Little, “would involve a major reconfiguration of thousands of square kilometres of traditional hunting and trapping territories and the flooding of vast areas of forest on which the region’s Cree and Inuit populations had long-standing claims.”¹⁴ The principal physical details of the James Bay hydro power plan – to be launched as Canada’s single largest hydroelectric facility – included:

- Development on an area totalling some 166,500 square kilometres – an area larger than New York State – including the entire La Grande River basin, a majority of the Opinaca River basin, and significant portions of the Caniapiscou and Koksoak basins; and,
- The construction of four massive dams along the La Grande River, with eighteen spillways and 130 kilometres of dykes¹⁵

For the Cree and Inuit of eastern James Bay and northern Quebec, the announcement and related implementation of the James Bay project was an unwelcome development; a development on which they had neither been consulted let alone invited to officially participate in, nor benefit from.¹⁶ The James Bay project was launched, Paul Rynard writes, “without bothering to consult the Crees and without considering their rights and title.”¹⁷ Cree life, in 1971, remained consistent with patterns established over hundreds if not thousands of years: namely, “traditional trapping, hunting and fishing.”¹⁸ The Cree were, Carlson observes, “subsistence hunters, dependent on the land not only for food and clothing, but for cultural identity as well.”¹⁹ With the support of the Indians of Quebec Association, Cree Native Peoples met in 1971 and early 1972 to determine how best to proceed in the face of this challenge to their homeland. “On April 18, 1972,” Carlson notes, a “gathering of Cree leaders took place, this time in Fort George, where the decision was made to go south to fight the project. It was at this meeting that the Inuit of Quebec first joined the Cree because, though the dams were not on their territory, they felt threatened by their presence.”²⁰ The “fight” officially commenced on May 3, 1972 when the Cree and Inuit jointly filed a legal injunction – *Kanatawat v. The James Bay Development Corporation* – calling for a cessation to the James Bay project.²¹ As J.R. Miller put it: “A coalition of Indians sought an injunction against the construction of dams and generating stations until the courts could establish what rights the indigenous habitants had.”²² The respective legal positions argued before Quebec Superior Court Justice Albert Malouf (the hearing began on November 17, 1972 and would extend for seven months) focused on the rights surrounding the ownership and utilization of natural resources and unfulfilled Native land claims in eastern James Bay.²³ Judge Malouf’s ruling, announced on November 15, 1973, amounted to, in the words of Boyce Richardson, “a ringing victory in favor of the Cree and Inuit.”²⁴ “The Province of Quebec,” Malouf found, “cannot develop or otherwise open up these lands for settlement without acting in the same manner that is, without the prior agreement of the Indians [Cree] and Eskimo [Inuit].”²⁵ Malouf’s decision would prove, however, to be short lived as the James Bay Development Corporation launched two motions before the Quebec Court of Appeals. These

moves met with success as the Court acted to quickly suspend the Malouf imposed injunction, effectively allowing the James Bay hydro project to proceed.

Determined to move forward without further legal interruptions, the Government of Quebec now opted to pursue a comprehensive negotiated agreement with the Cree and Inuit; an agreement that would, from the perspective of Quebec City, allow the James Bay initiative to expeditiously move ahead while simultaneously providing a range of compensation, services and protections to the Cree and Inuit. Throughout 1974 and into 1975, offers, counter-offers and preliminary settlements were reached – none of which ultimately proved to be mutually satisfactory. One central calculus, according to McCutcheon, dominated the negotiating position of the Cree and Inuit – as they believed “they could not stop the hydroelectric project” from advancing, they approached the negotiations as an opportunity to “hold out for better terms.”²⁶ An accord was finally reached when a land classification system was introduced setting forth the respective rights of Quebec and the Native population.

The James Bay Northern Quebec Agreement

Announced on November 11, 1975, the James Bay and Northern Quebec Agreement (JBNQA) officially sanctioned the construction and implementation of the mammoth James Bay hydroelectric power project.²⁷ The territory was effectively divided into three groupings, with the establishment of economic development and legal authority as follows: “Category 1 lands, which surrounded eight Cree communities and comprised 5,589 square kilometres each, were almost exclusively under Cree control.... Category 2 lands comprised 65,086 square kilometres were shared by all communities... [and] Category 3 lands could be used by all parties and were controlled by the province.”²⁸ What was still Cree and Inuit occupied territory was yet further divided: administratively “the 55th parallel was established as the dividing line between the Cree to the south and the Inuit to the north.”²⁹ The JBNQA provided the Cree and Inuit, in the view of David Massell, a wide range of significant benefits and protections:

The Crees and Inuit won cash, in investment funds for all communities (\$20,000–\$30,000 per person), additional subsidies for trappers, exclusive hunting, fishing, and trapping rights in a portion of the territory, and significant recognition of Aboriginal self-governance in political, social, and economic affairs: school boards, health and social services, and municipal services, for example, all would continue to be subsidized by Canada but would now be directed by the Crees and Inuit themselves.... Quebec, for its part, had finally met its obligations (dating from the extensions of Quebec’s territory northward in 1898 and 1912)

to formally recognize the Aboriginal rights of the inhabitants of the North. No longer could any private corporation or government body attempt to develop resources without first resolving Aboriginal claims."³⁰

The 1975 agreement, suggests R. Bruce Morrison and C. Roderick Wilson, went a considerable distance to specifically assist the Cree with dedicated and protected hunting practices, the extension of new social services, and greater political autonomy.³¹ This positive viewpoint is further shared by Paul Rynard. His detailed analysis of the JBNQA firmly suggests that, on balance, the Crees (who received \$137 million) and Inuit (who received \$88 million, \$33 million of which was provided by the federal government) did extract important benefits in the JBNQA. The Cree nation, Rynard writes,

received some compensation and protection from a project they would not have been able to stop in any event, and they bargained for, amongst other things, a whole range of commitments for new services and programs and for increased Cree participation in administration... the Crees also achieved wildlife-harvesting provisions, to help maintain and renew their traditional economy and way of life.³²

The James Bay Northern Quebec Agreement: The Consequences and Legacy

Has the James Bay Northern Quebec Agreement proven to be successful? Has it effectively delivered on the promises encapsulated in the 1975 accord? A review of the empirical record unequivocally demonstrates that the JBNQA must above all else be regarded as a preliminary, incomplete accord – an accord that, while providing significant, natural resource based, ongoing revenues to the province of Quebec, nonetheless ushered in significant challenges to the economic, social and cultural practices of the Cree and Inuit Native Peoples and to the physical environment of northern Quebec. Confirmation as to the shortcomings of the JBNQA was arguably most fully displayed in the signing of the February 7, 2002 Peace of the Brave (Paix des Braves) between Quebec and the Cree, and the recent February 21, 2008 agreement between Canada and the Cree – both of which are squarely designed to effectively address unresolved problems arising from the implementation of the JBNQA.

The historical record surrounding the implementation of and compliance with the JBNQA in the post 1975 period can best be described as uneven. Financial and organizational resources from both Quebec City and Ottawa required to effectively carry out the administrative components of the JBNQA, have proven to be episodic and at variance with the terms and conditions of the agreement. Provincial and federal inaction – the agreement was not, for example,

ratified by Quebec until 1978 – coupled with jurisdictional infighting has led to the inconsistent disbursement of funds to the Cree and Inuit to support the range of new or expanded services promised under the JBNQA. Job training, full-time employment, housing, community infrastructure (e.g., streets, sewers, water lines), and enhanced educational services have at times been held captive to larger political calculations. As Carlson puts it:

On paper, the JBNQA promised money, *but the legislation never defined how, or when, or for what reasons that money would be released.* No special office was set up in the provincial government to deal with the implementation of the JBNQA; rather, that task fell to the Secrétariat des activités gouvernementales en milieu amérindien et inuit, which handled Native affairs for the entire province. Quebec and the federal government argued over responsibility.³³

For their part, the Cree have been consistently vocal in raising concerns over the unfulfilled nature of the JBNQA. In their most complete statement on the shortcomings of the 1975 accord, the Grand Council of the Crees charted, in the 1995 publication *Sovereign Injustice*, a wide range of concerns. In the nearly thirty-page statement, the Cree suggest that the negotiations leading up to and culminating in the JBNQA, and the implementation of the accord itself, have been decidedly inequitable, consistently prejudicing the continued vitality of the Cree nation in eastern James Bay. As stated by Grand Chief Matthew Coon Come in 1991:

My people, the Crees of James Bay, signed a treaty only 16 years ago with Canada... but that treaty has become a shameful reminder of Canada's duplicity and ingratitude. That treaty has shown how greed triumphs over respect for law, how politics supersedes constitutional responsibility. Our treaty has become infamous as Canada's first modern broken treaty.³⁴

This ongoing situation has, since the late 1970s, prompted the James Bay Cree to seek legal recourse. Sustained legal actions by the Cree nation over the incorrect or non-implementation of terms agreed to under the JBNQA, coupled with a desire by the Government of Quebec to potentially expand Quebec's hydroelectric footprint in the eastern James Bay region finally led to the 2002 Peace of the Brave agreement. The Cree, under the leadership of Grand Chief Ted Moses, agreed to permanently forgo any current or future legal challenges (arising from "the slow pace by which Ottawa and Quebec City met their financial obligations [on such issues as job training and employment contracts] to the 1975 treaty"), and granted exclusivity to Quebec over development along the Rupert and Eastmain Rivers.³⁵ In turn, the

Cree were guaranteed payment of a minimum of \$70 million annually for a fifty year period, as well as mining and logging partnership opportunities. Perhaps most importantly, the 2002 agreement established a new norm concerning the discussion, resolution and action on significant issues of mutual interest to Quebec and the Cree people: namely, a partnership of “mutual recognition and nation-to-nation cooperation between the Crees and Quebec.”³⁶ Martin Papillon arguably offers the most cogent analysis of the agreement:

The Paix des Braves is not revolutionary. It is not a new treaty nor does it recognize any form of shared sovereignty over the territory. It is essentially an agreement on regional economic development and natural resource extraction. Quebec was under pressure to open up the territory for resource extraction and obtain guarantees for forestry exploitation and hydroelectric development. But it was clear that Quebec could no longer deal with the Crees as an “administered” group and simply impose its will from above. It had to recognize the mutual nature of the relationship. In this respect, despite their many concessions, the agreement was a victory for the Crees: their political status and legitimacy as a distinct nation were acknowledged by Quebec.³⁷

The Paix des Braves accord further served as a catalyst for a new agreement between the federal government and the Cree of eastern James Bay. In a desire “to bring to a close long-standing litigation over government non-compliance with aspects of the JBNQA,” Ottawa signed an agreement with the Cree on February 21, 2008.³⁸ The settlement – which came, in part, as a result of intensive Cree political lobbying and the threat of new legal challenges – authorized the Cree Regional Authority to “assume control of Ottawa’s responsibility under the 1975 [JBNQA] treaty,” included payment of \$1.4 billion to settle outstanding obligations under the JBNQA, and an agenda aimed at the creation of a Cree constitution and a “Cree nation government with an elected regional assembly.”³⁹

Conclusion

This essay has demonstrated that the James Bay Northern Quebec Agreement (JBNQA) of November 11, 1975 can most appropriately be historically viewed as an initial and decidedly incomplete accord. Ongoing problems associated with the inappropriate implementation and non-compliance of the agreement prompted the Cree of eastern James Bay and the Inuit of northern Quebec to pursue legal remedies to address these collective shortcomings. Ultimately, political solutions – i.e., new negotiated agreements to redress the failings of JBNQA – would emerge in 2002 and 2008. What was in 1975 an ambitious accord is now finally being fully implemented and realized.

ENDNOTES

1. David Massell, "A Question of Power: A Brief History of Hydroelectricity in Quebec," in Stéphan Gervais, Christopher Kirkey and Jarrett Rudy, editors, *Quebec Questions: Quebec Studies for the Twenty-First Century* (Toronto: Oxford University Press, 2011): 349.
2. As the James Bay project and the subsequent JBNQA principally involved and impacted – culturally, economically, socially – the Crees to the east of James Bay, this essay most closely examines the role of the Cree. The Inuit of northern Quebec, whose territorial lands would not be physically impacted by the project, joined the Cree in late April 1972 in legal action (and subsequent political negotiations) against the province of Quebec.
3. For a review of the relationship between the Hudson's Bay Company and the Cree, see Daniel Francis and Toby Morantz, *Partners in Fur: A History of the Fur Trade in Eastern James Bay* (Montréal: McGill-Queen's University Press, 1983).
4. Alain G. Gagnon and Guy Rocher, *Reflections on the James Bay and Northern Quebec Agreement* (Montréal: Éditions Québec Amérique, 2002): 17.
5. Paul Rynard, "Ally or Colonizer?: the Federal State, the Cree Nation and the James Bay Agreement," *Journal of Canadian Studies* 36:2 (Summer 2001): 10.
6. While physically a component of the province of Quebec, the governance and administration of social, educational and economic services was under the purview of the Canadian federal government.
7. Prime examples include the Beauharnois power plant on the St. Lawrence River, and projects on the Ottawa River (upper and lower sections), Bersimis River, Manicouagan River, and Outardes River. See Massell, "A Question of Power: A Brief History of Hydroelectricity in Quebec,": 343–344. It is important to note that new hydroelectric projects in Canada during this period were not isolated to Quebec. For a brief discussion of other provincially focused hydro initiatives (most notably in British Columbia, Manitoba, Newfoundland-Labrador and Ontario) in the 1950s and 1960s, see Graeme Wynn, "Foreword: Dignity and Power," in Hans M. Carlson, *Home is the Hunter: The James Bay Cree and Their Land* (Vancouver: UBC Press, 2008): xi–xiii.
8. On the nationalization of hydro power in Quebec, see Massell, "A Question of Power: A Brief History of Hydroelectricity in Quebec,": 338–356. Hydro-Québec is the "third largest electrical power utility in North America." Jing Ma, Keith W. Hipel and Mitali De, "Strategic analysis of the James Bay hydro-electric dispute in Canada," *Canadian Journal of Civil Engineering* 32, 2005: 860.
9. Carlson, *Home is the Hunter: The James Bay Cree and Their Land*: 204.

10. Ma, Hipel and De, "Strategic analysis of the James Bay hydro-electric dispute in Canada,": 868.
11. Ibid.
12. Sean McCutcheon, *Electric Rivers: The Story of the James Bay Project*, (Montréal: Black Rose Books, 1991) 36.
13. Carlson, *Home is the Hunter: The James Bay Cree and Their Land*: 207.
14. Peter Gossage and J.I. Little, *An Illustrated History of Quebec: Traditional and Modernity* (New York: Oxford University Press, 2013): 248.
15. Carlson, *Home is the Hunter: The James Bay Cree and Their Land*: 207–208. As Carlson observes: "In the coming decades, it would take in 90 percent of the Eastmain River to the south, and the Rupert River diversion which began in the summer of 2007 will push most of that river north as well.": 208.
16. The implementation of the project commenced in late June 1971 following the passage of Bill 50 by the Quebec National Assembly, which created the James Bay Development Corporation, the administrative agency to oversee the project.
17. Rynard, "Ally or Colonizer?: the Federal State, the Cree Nation and the James Bay Agreement,": 12.
18. Ibid: 11.
19. Hans M. Carlson, "A Watershed of Words: Litigating and Negotiating Nature in Eastern James Bay, 1971–75," *The Canadian Historical Review* 85:1 (March 2004): 65.
20. Carlson, *Home is the Hunter: The James Bay Cree and Their Land*: 210.
21. For a chronology outlining Cree and Inuit legal actions against the James Bay project, see Boyce Richardson, *Strangers Devour the Land: A Chronicle of the Assault upon the Last Coherent Hunting Culture in North America, the Cree Indians of Northern Quebec, and Their Vast Primeval Homelands* (New York: Alfred A. Knopf, 1976): 336–337.
22. J.R. Miller, *Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada* (Toronto: University of Toronto Press, 2000): 253.
23. For an analysis of the hearing, including a thorough examination of the testimonial arguments brought forth by the Cree and Inuit, see Richardson, *Strangers Devour the Land: A Chronicle of the Assault upon the Last Coherent Hunting Culture in North America, the Cree Indians of Northern Quebec, and Their Vast Primeval Homelands*: 242–303, and Carlson, *Home is the Hunter: The James Bay Cree and Their Land*: 211–228.
24. Richardson, *Strangers Devour the Land: A Chronicle of the Assault upon the Last Coherent Hunting Culture in North America, the Cree Indians of Northern Quebec, and Their Vast Primeval Homelands*: 297.

25. As quoted in Carlson, *Home is the Hunter: The James Bay Cree and Their Land*: 229.
26. McCutcheon, *Electric Rivers: The Story of the James Bay Project*: 55–56.
27. The most comprehensive analysis of the JBNQA can arguably be found in Rynard, “Ally or Colonzier?: the Federal State, the Cree Nation and the James Bay Agreement,”: 8–48.
28. Carlson, *Home is the Hunter: The James Bay Cree and Their Land*: 232–234.
29. Ibid: 232.
30. Massell, “A Question of Power: A Brief History of Hydroelectricity in Quebec,”: 349–350. The Cree Regional authority was established under the JBNQA to administratively organize and deliver services – on behalf of the Grand Council of the Crees – for Cree peoples. The Grand Council was formed on August 8, 1974. The Northern Quebec Inuit Association was identified as the organizational party responsible for the administration of benefits and services extended to the Inuit under the JBNQA.
31. R. Bruce Morrison and C. Roderick Wilson, editors, *Native Peoples: The Canadian Experience* (Toronto: The Canadian Publishers, 1995): 211.
32. Rynard, “Ally or Colonzier?: the Federal State, the Cree Nation and the James Bay Agreement,”: 16.
33. Carlson, *Home is the Hunter: The James Bay Cree and Their Land*: 246. Emphasis added.
34. As quoted in Grand Council of the Crees, *Sovereign Injustice: Forcible Inclusion of the James Bay Crees and Cree Territory into a Sovereign Quebec* (Nemaska, Quebec: Grand Council of the Crees, 1995): 263.
35. Massell, “A Question of Power: A Brief History of Hydroelectricity in Quebec,”: 350.
36. Martin Papillon, “Aboriginal Peoples and Quebec: Competing or Coexisting Nationalisms?,” in Stéphan Gervais, Christopher Kirkey and Jarrett Rudy, *Quebec Questions: Quebec Studies for the Twenty-First Century* Toronto: Oxford University Press, 2011: 120.
37. Ibid.
38. Carlson, *Home is the Hunter: The James Bay Cree and Their Land*: 258.
39. Papillon, “Aboriginal Peoples and Quebec: Competing or Coexisting Nationalisms?,”: 120; Carlson, *Home is the Hunter: The James Bay Cree and Their Land*: 258; and, “Quebec Cree, Ottawa sign deal,” *CBC News* February 2, 2008 <http://www.cbc.ca/news/canada/quebec-cree-ottawa-sign-deal-1.72933>, accessed October 20, 2014. Changes effected by the Constitution Act of 1982 further help to explain Ottawa’s decision to seek out a new political agreement with the Cree. As Thibault Martin and Steven Hoffman’s edited

volume makes clear: "Between the signing of the JBNQA in 1975 and the adoption of the 1984 federal law, there was also a major change in the Canadian constitutional regime. As a result of this regime change, rights stemming from the agreement acquired constitutional status with the adoption of the *Constitution Act 1982*, which repatriated the *Constitution* to Canada and marked the official recognition of the existence of Aboriginal peoples in Canada and their specific rights – i.e., Aboriginal and treaty rights." Thibault Martin and Steven M. Hoffman editors, *Power Struggle: Hydro Development and First Nations in Manitoba and Quebec* (Winnipeg: University of Manitoba Press, 2008): 221.