

**Inuit Compromise and Resurgence:  
The Legacies of the James Bay and Northern Québec Agreement**

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Abstract

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Tension between Anglophone and Francophone Canadians is well documented, and these disparate parts have been infamously dubbed the “two solitudes.” However, there is another, often ignored solitude - the Indigenous population of Canada. When construction began on the James Bay Hydroelectric facility in the early 70s, the Inuit and Cree of Northern Québec allied to take the provincial government to court for failing to properly consult them before undertaking this project on Indigenous lands. The James Bay and Northern Québec Agreement (JBNQA) was reached in 1975. This is arguably the first modern land claims agreement in Canadian history and is often considered one of the most successful agreements for Indigenous peoples in terms of monetary compensation. For the Inuit of Northern Québec (the Nunavimmiut), this agreement resulted in \$90 million in compensation as well as provisions for hunting and fishing rights, and the creation of governance institutions for the Nunavimmiut including the establishment of the Makivik Corporation and the Kativik Regional Government.

While these were remarkable achievements for the Inuit negotiation team, the JBNQA has a nuanced legacy. Even today, over 40 years after the signing of the JBNQA, there is still tension and dissatisfaction among Inuit communities over the results of this agreement. How can we explain the paradoxical status of the JBNQA as both a success and a disappointment in the eyes of the Nunavimmiut? How can we better understand the disagreement surrounding the legacy of the JBNQA and the tensions that continue to exist today over this agreement? This paper argues that examining the James Bay and Northern Québec Agreement through a framework of settler colonialism and resurgence explains these seemingly contradictory legacies.

## Introduction

In April 1971 Robert Bourassa, Premier of Québec at the time, announced that the province was about to embark on “the project of the century.” Bourassa and the Liberal Party had won the 1970 election on a platform of economic renewal, centered around the expansion of the provincially-owned hydroelectric company, Hydro-Québec. He planned to capitalize on the immense natural resources of northern Québec in order to spur economic and social development to benefit the francophone Québécois.<sup>1</sup>

At the time, well-paying jobs were desperately needed for the Québécois. After years of economic, political, and cultural marginalization, the Québécois rose up in the 1960s to demand equality. This time period, known as the Quiet Revolution, ushered in a new era centered around a philosophy of modernization, secularization and urbanization in Québec. Bourassa’s promise to develop the hydroelectric industry in the North was compelling to the Québécois because economic independence would help ensure the survival of French language and culture.<sup>2</sup> With a stable economic backing from Hydro-Québec, the Québécois were able to “force English Canada to take notice” of and respect their distinct cultural identity.<sup>3</sup> The Quiet Revolution inspired the Québécois to rise up and protest their domination by the Anglophone minority in the province and seize political power.

However, in order to retain this newfound political power, the Liberal Party needed to fulfill their promises to lead Québec into the future. One way they did this was through provincializing the hydroelectric industry. As a crown corporation, Hydro-Québec is a state-

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<sup>1</sup> This term is used in different ways by different scholars. I will use it to mean Francophones who live in Québec. English speakers I will refer to as Anglophone Québeckers

<sup>2</sup> Charles Taylor. *Reconciling the Solitudes: Essays on Canadian Federalism and Nationalism*. (Montreal: McGill-Queen’s University Press, 1993), 167.

<sup>3</sup> Kenneth McRoberts *Misconceiving Canada: The Struggle for National Unity*. (Toronto: Oxford University Press, 1997), 33.

owned monopoly where profits are disbursed to the government of Québec, rather than to private shareholders. The benefits of creating new hydroelectric facilities was twofold; it created employment opportunities, in French, for those who had previously only had the opportunity to hold low-paying and low-skilled jobs thus creating a francophone middle class, and it also capitalized on the natural resources of northern Québec to earn income from the sale of hydroelectric energy. Hydro-Québec became the “symbol of technological and economic renaissance for French Canadians” during the Quiet Revolution.<sup>4</sup>

The “project of the century”<sup>5</sup> that Bourassa promised was the hydroelectric facility near James Bay. The multi-million-dollar James Bay project would create over 100,000 new jobs for Québécois and, as Québec’s largest hydro facility, the electrical production would greatly aid in gaining economic independence from Anglophone Canada. The Liberal Party though this project would allow the Québécois to truly become “*maîtres chez nous*.”<sup>6</sup>

This would have been a great plan, had this land not already been spoken for. The land that Hydro-Québec proposed to build their new facility on had been consistently inhabited by the Inuit of Québec for millennia. Additionally, the re-routing of rivers and flooding from the dam would have significant impacts on the traditional Inuit hunting and trapping lines. Although the majority of construction was to be done on Cree land, two rivers on Inuit land- the Great Whale and Caniapiscau would be dammed and diverted, greatly affecting Inuit trapping, hunting, and fishing.<sup>7</sup> Hydro-Québec began construction on the James Bay facility without any prior

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<sup>4</sup> Roland Parteneau, *Hydro-Québec: Les relations entre l'état et son entreprise* (Ottawa: Economic Council of Canada, 1986), 1.

<sup>5</sup> Sam Evans-Brown and Hannah McCarthy, “Episode 2: The Project of the Century,” *Powerline*, (Concord: New Hampshire Public Radio), 16:50.

<sup>6</sup> Translates to “Masters of our own house.” This was the slogan that Jean Lesage and the Liberal party campaigned on in 1960 and later became the slogan of Hydro-Québec

<sup>7</sup> Zebedee Nungak, *Wrestling with Colonialism on Steroids: Québec Inuit Fight for Their Homeland*, (Montreal: Véhicule Press, 2017), 52.

consultation with the Aboriginal communities who would be affected by the project<sup>8</sup>. The Aboriginal communities were frustrated that their voices had not been heard and that their land, which had never been ceded in any treaty or lost possession of in any war, was being developed on without their consent.<sup>9</sup>

In 1972 the Cree and Inuit allied to apply for an injunction to stop the project in Québec's Superior Court. Indigenous resistance to the James Bay Project coincided with numerous other projects of Indigenous activism during the 1970s. The White Paper of 1969<sup>10</sup> and the subsequent movement to oppose it, the Alaska Native Claims Settlement Act of 1971, the Nisga'a Land Claims agreement, and the *Calder Decision* of 1973 were all contemporary Indigenous political movements.<sup>11</sup> These events were not happening in isolation of each other. Instead, these Indigenous movements were in dialogue with each other and sharing strategies. The Inuit and Cree of Northern Québec were aware of the work of other Indigenous peoples and learned lessons from these other legal battles, and in turn the James Bay negotiations have guided other Indigenous peoples in their fight to have Aboriginal rights respected.

In 1973, after hearing hundreds of personal testimonies about the impacts the James Bay project would have on Cree and Inuit communities, Judge Albert Malouf ruled in favor of the Aboriginal communities. This historic ruling halted all work on the James Bay project until an agreement had been reached between the Cree, Inuit and the government of Québec concerning the James Bay facility.

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<sup>8</sup> Evans-Brown & McCarthy, "Episode 2: The Project of the Century," 17:14.

<sup>9</sup> *Ibid.*, 8:26.

<sup>10</sup> Also known as the *Statement of the Government of Canada on Indian Policy*, this proposal suggested removing all political distinctions between Indigenous and non-Indigenous peoples in Canada. Was met with heavy indigenous opposition that sparked protests until it was withdrawn in 1975.

<sup>11</sup> Glen Sean Coulthard. *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*. (Minneapolis: University of Minnesota Press, 2014), 4.

Although the decision was overturned six days later by the Québec Court of Appeals and construction resumed on the James Bay facility, this was still a monumental decision. The Malouf decision signified one of the first times that Canada “acknowledged that the (Aboriginal peoples) had some sort of right to the land even hundreds of years after white settlers had moved in.”<sup>12</sup> Judge Malouf’s order to negotiate a compromise remained and the Cree, Inuit, and the Government of Québec then undertook the two-year process of negotiating the James Bay and Northern Québec Agreement (JBNQA).

The final version of the JBNQA was reached in 1975. This was arguably the first modern land-claims agreement in Canada, and was one of the most successful agreements for Indigenous peoples. The agreement included the terms of development for the James Bay Hydroelectric Facility as well as provisions for land categorization, hunting and fishing rights, and accessing social services. It also established governance institutions for each nation including a school board, a regional government, and an economic association to manage the \$225 million to be disbursed over the course of 20 years.<sup>13</sup> In Nunavik, the Makivik Corporation was established to manage the agreement funds for the benefit of all Nunavimmiut<sup>14</sup> and the Kativik Regional Government was created to provide local governance for Nunavik.

In terms of monetary compensation and the legal precedent it set, the JBNQA is an extremely successful land-claims agreement. However, as with all negotiations, compromises had to be made. The Inuit negotiators had to give up on some of their demands, in order to come to an agreement amenable to both them and the government of Québec. This caused tensions among the Nunavimmiut, with two Inuit communities even withdrawing from negotiations and

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<sup>12</sup> Evans-Brown & McCarthy, “Episode 2: The Project of the Century,” 21:23.

<sup>13</sup> \$90 million to the Inuit, \$135 million to the Cree.

<sup>14</sup> Makivik Corporation, “JBNQA,” <http://www.makivik.org/corporate/history/jbnqa/>.

refusing to sign the final version of the agreement. More than 40 years later, dissatisfaction still lingers over the agreement and what was given up in order to get any agreement

The JBNQA has a nuanced legacy. How can we explain its paradoxical status as both a success and a disappointment in the eyes of the Nunavimmiut? How can we better understand the disagreement surrounding the legacy of the JBNQA and the tensions that continue to exist today over this agreement?

The simultaneous success and failure of the JBNQA can be explained through the lens of settler colonialism. Settler colonialism is a form of colonial domination that facilitates the systematic dispossession of land and self-determining authority from Indigenous peoples. Analytically, settler colonialism directs our attention toward efforts to eliminate the Native and questions whether seemingly altruistic acts are actually premised on the logic of elimination or assimilation.<sup>15</sup> This framework allows us to explain how the JBNQA is both a success and a failure, an experience of satisfaction and of dissatisfaction, a perpetuation of colonization and a form of resistance against it.

On the one hand, dissatisfaction over the JBNQA exists among the Inuit communities of Nunavik because it was negotiated within the context of a settler colonial society. Settler colonialism makes it so that any land-claims agreements undertaken by Indigenous peoples are essentially entered into under duress,<sup>16</sup> therefore it makes sense that Indigenous communities are dissatisfied with the results. Land claims agreements are an attempt at recognition for Indigenous communities bestowed by the dominant power in the relationship and thus perpetuation of the settler-colonial system. Because of the asymmetrical power structure surrounding these

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<sup>15</sup> Patrick Wolfe, "Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research* 8, no. 4 (2006), 401.

<sup>16</sup> Evans-Brown & McCarthy "Episode 2: Masters in our Own House" 24:44.

negotiations, the Inuit did not, and never would have had the chance to, receive a fair deal. The JBNQA and the Inuit organizations that were established as a result of it mirror the settler-colonial structure.

On the other hand, there are also positive Inuit perspectives surrounding the James Bay and Northern Québec Agreement because this agreement marked a turning point in Inuit politics. It was one of the first times that Indigenous voices were taken seriously in a legal framework in Canada and changed the way that land claims agreements were undertaken in the whole of Canada.<sup>17</sup> Furthermore, the negotiation of the JBNQA can be seen as a form of resistance. Québécois officials would have much preferred if the Inuit and Cree had not resisted, and simply let them build the James Bay Hydro plant without any push back. However, the Inuit mobilized to file an injunction against the government of Québec, forcing it to negotiate an agreement.

This paper will explain the results of the James Bay and Northern Québec Agreement by using theories of settler colonialism and resistance to describe the existence of both positive and negative legacies. The experience of the Nunavimmiut with the JBNQA serves as a case study for highlighting the challenges that subaltern groups face when entering into negotiations and agreements with settler-colonial states.

### Theoretical Framework: Settler Colonialism and Resurgence

The experience of colonization in Canada was and is one of settler colonialism. Settler-colonial societies, like Canada, systematically disposes their Indigenous peoples of their lands and rights in order for the settler population to establish dominance over that territory. Glen Sean Coulthard, a professor of Indigenous Studies at the University of British Columbia and member of the Yellowknives Dene First Nation, describes settler colonialism as “a set of hierarchical

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<sup>17</sup> Evans Brown & McCarthy “Episode 2: Masters in our Own House” 13:40.

social relations that continue to facilitate the dispossession of Indigenous peoples lands and self-determining authority.”<sup>18</sup> This is distinct from colonialism, where the purpose is to exploit an Indigenous population and profit from their labor.<sup>19</sup> Settler colonialism is primarily concerned with acquiring land. In order to claim this land as their own, the settler-colonizers must displace the Indigenous populations who were previously occupying it.<sup>20</sup> This is why settler-colonialism can be considered “ an inclusive, land-centered project... with a view to eliminating Indigenous societies.”<sup>21</sup> This elimination may be done through a variety of tactics, such as forced removal, extermination, or assimilation.<sup>22</sup>

Rather than an event, settler colonialism should be considered a structure.<sup>23</sup> This is because settler colonialism is not a thing of the past with a clear end date, but is a continuous process which has been incorporated into the very structure of the Canadian state. Settler colonialism’s desire for land is insatiable.<sup>24</sup> Allowed to play out without interference, settler colonialism would continue to dispossess Indigenous populations of their land until they are completely eliminated from the desired territory. Then to cover their tracks, settler societies eliminate the Indigenous populations, so that the casual observer cannot even see the domination that has wreaked havoc on Indigenous populations. Think, for example, of slums in South Africa or native reservations in the United States. They are kept out of view from the general public, so that the population is virtually ignorant (or complicit in forgetting) the dominance which has been exerted over Indigenous peoples.

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<sup>18</sup> Coulthard (2014), 7.

<sup>19</sup> Lorenzo Veracini, “Introducing Settler Colonial Studies,” *Settler Colonial Studies*, 1 no.1 (2011), 3

<sup>20</sup> Wolfe, 402. Veracini, 3.

<sup>21</sup> *Ibid*, 393.

<sup>22</sup> *Ibid*, 401.

<sup>23</sup> *Ibid*, 388.

<sup>24</sup> *Ibid*, 395.

### Settler Colonialism and Recognition Politics:

Settler-colonial societies want the complete disappearance of Indigenous peoples in order to have access to and control over the territory, but will settle for other ways to ensure natives “don’t get in the way.”<sup>25</sup> One of the most prominent ways to “manage and neutralize” Indigenous peoples is through a politics of recognition.<sup>26</sup> The politics of recognition in this context refers to a “recognition based approach to reconciling Indigenous peoples’ assertions of nationhood with settler-state sovereignty via the accommodation of Indigenous identity-related claims through the negotiation of settlements over issues such as land, economic development, and self-government.”<sup>27</sup> The idea behind this is that once a group or individual is recognized and respected, they can become self-actualized.

In *Red Skin, White Masks*, Glen Coulthard describes how recognition politics cannot transform relationships between dominant and subaltern identities in colonial contexts. In fact, it actually reproduces the colonial state and asymmetrical power relations leading to a new kind of domination that is merely masked in the language of recognition and accommodation. To explain this phenomenon, Coulthard combines Karl’s Marx’s primitive accumulation theory and the critique of Hegel’s master-slave parable laid out by Frantz Fanon in *The Wretched of the Earth*.<sup>28</sup> Building off of these two scholars, Coulthard shows that under a politics of recognition approach, the appearance of domination may have changed but the settler-colonial structure remains.<sup>29</sup>

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<sup>25</sup> Veracini, 8.

<sup>26</sup> *Ibid*, 8.

<sup>27</sup> Coulthard (2014), 151.

<sup>28</sup> Glen Sean Coulthard and Leanne Betasamosake Simpson, “Grounded Normativity / Place Based Solidarity.” *American Quarterly* 68 no. 2, (June 2016): 251.

<sup>29</sup> Coulthard (2014), 39.

Critiquing liberal proponents of recognition politics, notably Charles Taylor, Coulthard shows that the politics of recognition is flawed based on its failure to consider real world contexts of domination. He calls it a “field of power through which colonial relationships are produced and maintained.”<sup>30</sup> In situations of unequal power relations, like in settler-colonialism, the terms of recognition and accommodation “end up being determined by and in the interests of the hegemonic partner in the relationship.”<sup>31</sup> This means the terms of recognition and accommodation still facilitate the dispossession Indigenous peoples’ lands and their self-determining authority.

However, as Coulthard and others have critiqued, recognition politics only perpetuates the settler colonial system. Land claims agreements, as a form of recognition politics, do not “throw into question the background legal, political, and economic framework of the colonial relationship.”<sup>32</sup> They are negotiated under the legal and political framework of the settler-colonial society. Therefore, the terms and conditions under which negotiations like the JBNQA are undertaken are inherently skewed in favor of the state.

### Resurgence:

Even under regimes with huge power discrepancies Indigenous peoples still have room to act and resist the settler colonial society.<sup>33</sup> One way to do this is through Indigenous resurgence. Resurgence is a concept promoted by Indigenous scholars and activists, including Leanne Betasamosake Simpson and Taiaiake Alfred. Simpson’s work describes her community’s experience of settler colonial structures and resistance to them through storytelling and language.

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<sup>30</sup> Coulthard (2014), 17.

<sup>31</sup> Ibid, 17.

<sup>32</sup> Ibid, 41.

<sup>33</sup> Glen Sean Coulthard, “Subjects of Empire? Indigenous Peoples and the Politics of Recognition in Canada.” (PhD diss., University of Victoria, 2011), 210.

She argues that one way to resist the assimilation of settler colonial society is through Indigenous resurgence. Resurgence is the process of turning inward, away from the settler colonial system to focus on the Indigenous community, language and culture.<sup>34</sup> Resurgence may take many different forms and manifest itself differently in every Indigenous community, however, the common thread which links them is that they seek to question and delegitimize the authority of the settler colonial state.<sup>35</sup> By doing this, Indigenous peoples reclaim authority for their own communities and ways of life.

## Methodology

To organize this research, I used an inductive process whereby I looked at primary source data and from there worked backwards to develop a research question. The data in question is a documentary called *Napagunnaqullusi*, and the memoir *Wrestling with Colonialism on Steroids* by Zebedee Nungak.

*Napagunnaqullusi*, which translates to *So That You Can Stand* in English, is a documentary film released in 2015. The team behind *Napagunnaqullusi* interviewed nearly 25 surviving individuals associated with the JBNQA to explain the history and legacy of the JBNQA. Those interviewed include signatories of the James Bay and Northern Québec Agreement, those who assisted the Inuit in the James Bay negotiations as consultants, and members of Québec's negotiation team.

The most prominent among these interviewees are Charlie Watt and Zebedee Nungak. Charlie Watt, at the time a young Inuit man working for the Federal government, found out about

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<sup>34</sup> Leanne Betasamosake Simpson, *Dancing on Our Turtle's Back: Stories of Nishnaabeg Re-Creation, Resurgence and a New Emergence* (Winnipeg: APR Books, 2011), 17.

<sup>35</sup> *Ibid*, 17.

the forthcoming James Bay Project by seeing a flyer announcing its construction at the post office in Fort Chimo (Kuujuuaq).<sup>36</sup> Once he relayed this information back to other Inuit in Nunavik, they began holding community meetings to discuss the project and the impacts it would have on their way of life. These meetings led to the creation of the Northern Québec Inuit Association (NQIA), which became the face of the Inuit resistance against the James Bay project. Watt was elected president of the Northern Québec Inuit Association and served as the head of the Inuit negotiation team. Currently, Watt is serving his second term as president of the Makivik Corporation.

Zebedee Nungak served as one of the four main negotiators for the Inuit in the James Bay Agreement, and is a signatory to the agreement. Since then he has also served as president of the Makivik Corporation, freelance speaker, and an advocate for the preservation of the Inuktitut language. He is also the author of the memoir *Wrestling with Colonialism on Steroids* that recounts the JBNQA negotiation process. This memoir, released in 2017, traces the history of Nunavut and the development of Inuit political mobilization alongside the nationalization of Québec through Nungak's memories. These two works provide a base for understanding the Inuit experience of negotiating the James Bay and Northern Québec Agreement.

Through simultaneously sifting through these first-hand accounts of the James Bay negotiation process I was able to notice how they interacted with and supported one another. This grounded theory approach allowed me to notice patterns in the data. Two of the major themes that came out of this initial interaction with and coding of the documentary and memoir were dissatisfaction with the compromises that had to be made to reach the agreement and Inuit political mobilization surrounding the negotiation process. Focusing on these two themes led me

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<sup>36</sup> *Naapagunnaqullusi*, DVD, directed by Ole Gjerstad (Québec: Makivik Corporation, 2015), 4:22.

to wonder, why would there be dissatisfaction among the Inuit communities and even among the negotiation team surrounding the results of the JBNQA? With this in mind I conducted a second round of coding, where I went back through the documentary and memoir, applying the codes “Dissatisfaction” or “Inuit Political Mobilization.”

Interpreting documentary film and memoirs as a form of qualitative research is extremely valuable for its ability to access first-hand accounts of historical events when traveling to far-off locations and setting up interviews is not a feasible option. Interviews captured on film are a form of oral history.<sup>37</sup> As such, it is important to keep in mind that interviews are a type of performance.<sup>38</sup> Being in front of a camera and having one’s words recorded for an audience elicits the behavior of a performance. The individuals interviewed in the film have been asked about their experiences with the James Bay Agreement many times before and over time their performances have become “well-rehearsed to create a certain version of events.”<sup>39</sup> Over time, those who have been interviewed about this topic time and time again have a certain spiel that they become accustomed to sharing with an audience.

Using a grounded theory approach to analyze these performances also allows one to read between the lines to help explain “participants implicit means and actions.”<sup>40</sup> This includes an interpretation of body language, facial expression, and what is not said, in addition to the words actually spoken by interview participants in the film. Additionally, it is important to note that “narrators misremember.”<sup>41</sup> However, even if narrators misremember the facts or order of

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<sup>37</sup> Linda Shopes, “Oral History” in *Sage Handbook of Qualitative Research*, 4<sup>th</sup> ed. Eds. Norman K. Denzin and Yvonna S. Lincoln. (Thousand Oaks: Sage, 2011), 451.

<sup>38</sup> *Ibid*, 459.

<sup>39</sup> *Ibid*, 459.

<sup>40</sup> Kathy Charmaz, “Grounded Theory Methods in Social Justice Research.” in *The Sage Handbook of Qualitative Research*, 4<sup>th</sup> ed., edited by N. K. Denizen and Y. S. Lincoln. (New York: Sage, 2011), 361.

<sup>41</sup> Shopes, 459.

events, the way they misremember can tell us about their perceptions of how things happened, or how they wish things would have happened and are therefore still useful pieces of data.

This caveat about misremembering also applies to Nungak's memoir. He even notes this, stating "my memories of the James Bay court case is a series of vivid but fragmented clips."<sup>42</sup> While he remembers some things very clearly, other are less clear and with the passing of time the chronology of events can blur in one's memory. He also notes that these are only his own memories and experiences, and that to gain a more complete picture of the JBNQA process, one would need to consult with the other Inuit negotiators who were present at the time. However, this is not to discredit the experiences shared in *Napagunnaqullusi* and *Wrestling with Colonialism on Steroids*. These are both excellent sources which share the authentic memoirs of individuals who participated in the James Bay negotiations and their perceptions about the negotiation process and the final agreement.

*Napagunnaqullusi* was produced by the Makivik Corporation, and was directed by Norwegian filmmaker Ole Gjerstad. Gjerstad is assisted in interviews and translation by Jason Annahatak and William Tagoona. Annahatak is a young Inuit man from Nunavik who has benefitted from institutions set up by the JBNQA. Tagoona is Inuit from Nunavut (formerly the Northwest Territories) and served as a consultant from the Northern Québec Inuit Association (NQIA) during the James Bay negotiations. For the documentary, Annahatak and Tagoona served as cultural consultants and translators, as well as being interviewed themselves. Makivik producing the film may cause concern for on the grounds that an organization that was created because of the JBNQA may be one-sided in the retelling of the agreement, however, the film strikes a nice balance between celebrating the successes of the agreement and explaining the

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<sup>42</sup> Nungak, 57.

challenges the negotiation process and the agreement created. Additionally, because so many individuals are interviewed- from the Inuit negotiation team, the Cree negotiating team, the Québec team, and from Inuit communities who refused to sign the agreement, there is a wide range of perspectives about how successful the agreement was and how it has impacted communities over the last 40 years.

## Film and Memoir Analysis

### Dissatisfaction/ Failure:

From examining *Naapagunnaqullusi* and *Wrestling with Colonialism on Steroids*, one of the main themes that emerges is a dissatisfaction with the negotiation process and the results of the JBNQA. This dissatisfaction manifested as feelings of having had to settle for less than they deserved during the agreement which caused tension among Inuit communities.

As with any negotiation, compromises needed to be made to reach an agreement. However, among the Nunavimmiut there are still some hard feelings over having had to settle for less than they deserved during the James Bay negotiation process. This was difficult because “we were divided; some understood (that we needed to compromise) but others didn’t.”<sup>43</sup> Feelings among some Nunavimmiut that the JBNQA was not good enough have led to lasting tension and conflict within Nunavik.

A major point of contention was that the construction of the James Bay facility was still underway during the negotiation process. Judge Malouf’s order forced the parties to negotiate a compromise, but the appeal filed by the government of Québec ensured that Hydro-Québec could continue building the dam during the two-year negotiation process. Two years is an incredibly short time frame to negotiate a land claims agreement, but things needed to happen so

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<sup>43</sup> *Naapagunnaqullusi*, 49:28 (Sarrolie Weetaluktuk).

quickly because Inuit negotiators knew “bulldozing was going on while we spoke, at all times.”<sup>44</sup> In contrast, the land claims negotiation that created Nunavut lasted nearly 20 years. The high stakes and incredibly tight time frame that the Inuit of Nunavik were working with led participants to describe “Negotiating this deal while the dams were still under construction, it was like cutting a deal with a gun to your head.”<sup>45</sup> Under these circumstances, negotiators felt they had few options. This feeling of having to settle is well summarized by the words of Zebedee Nungak. He says, “We knew that we would probably not get anything better than what was on the table. Even if we did try for more, we pretty much didn’t have a choice but to accept”<sup>46</sup> Nungak understood that the government of Québec was far more powerful than the Cree and Inuit alliance, and that in order to protect their land they had little choice but to sign the JBNQA.

The process of negotiating the JBNQA and dissatisfaction associated with having to settle for less than they felt they deserved created tension among the Nunavimmiut. Members of the negotiation team said they were shocked by the animosity that emerged within Nunavimmiut communities<sup>47</sup> and that this experience left emotional scars and lasting psychological effects. Recounting these events even 40 years later, multiple individuals broke down into tears while recounting experiences of internal conflict over the JBNQA.<sup>48</sup> Two large points of tension surround the division of land into categories and the extinguishment and surrender clause.

The division of land into categories was an especially controversial topic that impacted Nunavimmiut solidarity. “The division of land into categories was a last resort, a compromise

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<sup>44</sup> *Naapagunnaqullusi*, 47:50 (Zebedee Nungak).

<sup>45</sup> Evans-Brown & McCarthy, “Episode 2: Project of the Century”, 24:35

<sup>46</sup> *Naapagunnaqullusi*, 8:38.

<sup>47</sup> *Ibid*, 1:09:26 (Alec Gordon).

<sup>48</sup> *Ibid*, 1:03:40 (Sarollie Weetaluktuk).

that weighs heavily on the lives of Nunavimmiut to this day”.<sup>49</sup> The NQIA negotiation team decided to accept the Government of Québec’s demand to divide the Nunavik into Category-1 (full Inuit ownership), Category 2 (partial Inuit ownership, with sole rights to hunt and subsist off of the land), and Category 3 (owned by the government) lands.<sup>50</sup> In the end “We agreed to their clause on the land. In return, with the creation of the Kativik Regional Government, we obtained the right to run our own health and social services, police, to run our own show.”<sup>51</sup> But not everyone was satisfied with this trade off. Community anger over the division of land led to NQIA negotiators being thrown out of villages they came to meet with and threatened with physical violence by their fellow Inuit.<sup>52</sup>

Charlie Watt also remembers how “The section on extinguishment, cede and surrender was creating trouble.”<sup>53</sup> This section required the Aboriginal nation in question to “cede, release, and surrender” any Aboriginal rights to the land not enumerated in the land-claims agreement.<sup>54</sup> At the time, extinguishment and surrender were considered standard operating procedure for the Canadian government during land claims processes with Indigenous peoples.<sup>55</sup> It was something the Québec negotiators would not budge on.

As a result of the extinguishment and surrender clause, the communities of Ivujivik, Salluit and Puvirnituk were opposed to negotiations and refused to sign the JBNQA<sup>56</sup>. They also established a new organization, the Inuuqatigiit Tunngavingat Nunamini (ITN) to represent the perspective of Nunavimmiut who did not agree with the JBNQA. Elissie Sallualuk of Salluit was

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<sup>49</sup> *Naapagunnaqullusi*, 44:25.

<sup>50</sup> *Ibid* 43:48.

<sup>51</sup> *Ibid*, 49:28 (Sarrolie Weetaluktuk).

<sup>52</sup> *Ibid*, 1:02:43 (Charlie Arngak) and 1:03:40 (Sarollie Weetaluktuk).

<sup>53</sup> *Ibid*, 1:06:00 (Charlie Watt).

<sup>54</sup> Coulthard (2011), 114.

<sup>55</sup> *Ibid*, 96-97.

<sup>56</sup> *Naapagunnaqullusi*, 1:08:18.

an NQIA delegate, but because of the extinguishment and surrender clause he resigned. He said that if it had not been for the extinguishment and surrender clause that he and Salluit would absolutely been in favor of the JBNQA, but that giving up their rights to the land was simply too much to ask.<sup>57</sup> Even though Ivujivik and Salluit have since signed on to the JBNQA<sup>58</sup>, Puvirnituk continues to hold out as the last community in Nunavik to remain outside of the JBNQA.

In his memoir, Zebedee Nungak said that at the time “The Inuit body politic in Nunavik was severely damaged by the divisions resulting from the James Bay Agreement”<sup>59</sup> as a result of these disagreements over land categorization, and the extinguishment and surrender clause. We can see these experiences of social exclusion, threats of violence, psychological trauma and the three communities refusing to sign the JBNQA that dissatisfaction among the Nunavimmiut over this agreement was, and continues to be, an incredibly complex matter.

Immediately after signing the agreement, negotiators burst into tears because they knew that they had made hard decisions that would affect their communities.<sup>60</sup> While the Nunavimmiut received some of what they strived for in the negotiation, they had also lost much. As Zebedee Nungak said during the JBNQA signing ceremony, “We are an adaptable people and now we must make the greatest change of our history for our children and our children’s’ children.” However, even with these difficulties that caused lasting negative impacts on Nunavimmiut, the JBNQA has also been an experience of success for Nunavik.

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<sup>57</sup> *Naapagunnaqullusi*, 59:00.

<sup>58</sup> Sarah Rogers, “A Dissident Nunavik Community Shifts Towards the JBNQA,” *Nunatsiaq News* (July 24, 2015): [http://nunatsiaq.com/stories/article/65674a\\_nunavik\\_community\\_shifts\\_towards\\_the\\_JBNQA](http://nunatsiaq.com/stories/article/65674a_nunavik_community_shifts_towards_the_JBNQA).

<sup>59</sup> Nungak, 126.

<sup>60</sup> *Naapagunnaqullusi*, 1:17:24.

### Inuit Political Mobilization/ Success:

Success from the JBNQA centers around Inuit political mobilization. The process of creating the NQIA, filing the injunction against Québec, and negotiating the JBNQA created a movement of political action. This was done by creating alliances with the Cree and with Inuit from across Canada, and setting up a system for regional governance.

In response to the news that Hydro-Québec was building a facility on Le Grande near James Bay, the Inuit of Northern Québec met in Pangnirtung to decide what they should do about this. NQIA Consultant William Tagoona remembers “That meeting in Pangnirtung seems to be the catalyst for the whole Inuit movement. And we all left that meeting very hopeful for another, better future.”<sup>61</sup> It was at that meeting that the Northern Québec Inuit Association (NQIA) was formed, and the Nunavimmiut decided to stand up to defend their rights and their land against the government of Québec.

As the two Indigenous peoples whose traditional lands would be affected by the James Bay Hydro facility, the Cree and Inuit of Québec formed a political alliance in order to resist this project. In 1972 Charlie Watt and Zebedee Nungak attended a meeting of Cree leaders and urged the Cree to partner with them. In the end, Chief Billy Diamond convinced his fellow Crees to partner with the Inuit and ban their resources in order to more effectively resist the James Bay dam.<sup>62</sup> The partnership between the Inuit and Cree allowed each group to magnify the pressure they were putting on the government during the negotiations.

Resisting the James Bay Project also relied heavily on support from across Inuit Nunangat (Inuit homeland). Inuit individuals from the Northwest Territories (present day Nunavut) and Alaska came to the assistance of Nunavik to serve as advisors and negotiators. Some notable

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<sup>61</sup> *Naapagunnaqullusi*, 11:15 (William Tagoona).

<sup>62</sup> *Ibid*, 15:30 (Billy Diamond).

consultants included Greg Fisk who would go on to be elected mayor of Juneau Alaska, and Tagak Curley who later served as Premier of Nunavut. Curley said that Inuit from across Canada fought against the James Bay Project because “If Inuit Rights were defeated, it would have consequences for all of us. We (Inuit from NWT) fought hard for their (Inuit in Québec) rights, because it was about the future of all Inuit.”<sup>63</sup> They knew, even in the moment, that the JBNQA would set a precedent for how the federal and provincial governments would interact with all Inuit from now on. The JBNQA was an opportunity for Inuit from other parts of Canada to gain experience conducting land claims negotiations with the government that would aid them in their future land claims processes to create Nunavut, Inuvialuit, and Nunatsiavut.

During the JBNQA negotiations, the Inuit fought hard for provisions concerning self-government. This was considered a non-negotiable point. The Inuit negotiators knew they needed to establish some sort of structure for self-governance during the negotiations<sup>64</sup> NQIA delegates remember speaking of this as a political movement to re-claim their homelands through establishing self-government.<sup>65</sup> This kind of talk was new and exciting for the young Inuit who were working on the negotiations.

The fight to gain provisions for self-government led to the establishment of the Kativik Regional Government (KRG). This, along with the Makivik Corporation, the Kativik School Board and the Nunavik Board of Regional Health and Social Services allow Nunavik to be more independent from the governments of Québec and Canada, and “run their own show.”<sup>66</sup>

Although there is clear dissatisfaction with the JBNQA, there is also praise for the work that the hard work that young JBNQA negotiators did and what they were able to accomplish.

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<sup>63</sup> *Naapagunnaqullusi*, 19:50 (Tagak Curley).

<sup>64</sup> *Ibid*, 48:10.

<sup>65</sup> *Ibid*, 10:55 (William Tagoona).

<sup>66</sup> *Ibid*, 49:28.

Members of the NQIA negotiation team, consultants, and lawyers all spoke very highly of the work that the Inuit team did during the James Bay negotiations. One NQIA delegate shared “I’m really proud of Charlie Watt. I praise him. He was a strong young man who never lost sight of the interest of Inuit. He looked to the future.”<sup>67</sup> How can we reconcile these two separate and seemingly opposed perspective about the legacy of the James Bay and Northern Québec Agreement?

### Theoretical Explanation

Analyzing Nunavik’s experiences with settler-colonialism, recognition and resurgence are essential to understanding the complex legacies of the James Bay and Northern Québec Agreement. As far as I am aware, describing the Inuit experience with colonization as one of settler colonialism has not been done before. However, situating the experience of the Nunavik in settler colonial context allows us to understand the complex mechanisms which have made the JBNQA both a negative experience of colonial domination, dissatisfaction, and settling, as well as a positive experience of resistance and resurgence.

### Colonial History of Nunavik:

In the case of the Inuit of northern Québec, the experience of settler-colonialism is unique. Due to the remote locations and harsh climates of Inuit communities in Québec, the settler-colonists have not physically displaced indigenous peoples in the same ways that are common in other settler-colonial societies. Arctic Québec has been impacted by many different layers of colonization and dominance which has complicated the experience of the Nunavimmiut. Over the years, the Inuit area of northern Québec has been claimed by the Hudson’s Bay Company, the Federal Government of Canada, and the province of Québec.

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<sup>67</sup> *Naapagunnaqullusi*, 28:45 (Robbie Tookalook).

Throughout all of these different actors claiming control over Nunavik, what stayed constant was that an outside actor was in control of the governance of the territory, not the Inuit people who lived there. The Inuit may not have been forcibly removed from the land in the same way that many southern First Nations were, however, we can still understand their experience as one of settler-colonialism. This is for two main reasons. First, Nunavik is still a part of Canada, which is a settler-colonial state. As such they are still operating under the same structures of settler-colonialism that other indigenous groups in Canada do. For example, Inuit communities were still affected by residential schools, much in the same way that First Nations further south were.<sup>68</sup>

Second, we can still consider this experience one of settler-colonialism because the end goal of every outsider who claimed controlled this region was access to territory. This territory was desired for many different reasons; access to furs, the search for a northwest passage, the ability to claim a contiguous Québécois homeland, and in recent years, access to mineral wealth and the immense hydroelectric capabilities of rivers in the far north. In Nunavik, the indigenous population did not need to be displaced in order for the settler society to claim control and have unmitigated access to the land and its natural resources.

The first settlers to claim possession of Inuit homelands were the English, who issued a royal charter in 1670 giving the Hudson's Bay Company the exclusive right to trade furs and govern the area known as Rupert's Land<sup>69</sup>. For 200 years the HBC was nearly autonomous in its control over the territory, constituting a kind of pseudo-state,<sup>70</sup> until 1870 when the HBC

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<sup>68</sup> Makivik Corporation, "JBNQA," <http://www.makivik.org/corporate/history/jbnqa/>.

<sup>69</sup> Nungak, 23.

<sup>70</sup> Edward Cavanagh, "A Company With Sovereignty and Subjects of Its Own?: The Case of the Hudson's Bay Company, 1670 to 1763." *Canadian Journal of Law and Society* 26, no. 1 (2011), 28.

surrendered its charter and control of Rupert's Land passed to Canada.<sup>71</sup> At this point Nunavik, which was part of the Ungava District of Rupert's Land, was now incorporated into the newly created Northwest Territories.<sup>72</sup>

In 1912 the Ungava district became part of the province of Québec through "The Québec Boundaries Extension Act."<sup>73</sup> However, Québec was largely absent when it came to governing this new portion of their territory. The province even filed a case with the Supreme Court of Canada arguing that support of Native populations was the responsibility of the Federal government, not Québec.<sup>74</sup> The Supreme Court sided with Québec and this effectively passed the buck to the Federal government to continue to provide services in the Ungava district. This experience can be interpreted as Québec wanting control over the land, but not the responsibility of having to support the people. Put bluntly, Québec wanted "the land yes; the people no!"<sup>75</sup> This is a classic settler colonial tactic. Settler-colonial societies want the complete disappearance of Indigenous peoples in order to access to and complete control over the territory, but will settle for other ways to ensure natives "don't get in the way."<sup>76</sup> Claiming the land, but not the people allowed Québec to count the Arctic as part of their territory while completely ignoring the indigenous population. As a result, "Northern Québec was a poor and neglected place. Even when compared to the rest of Arctic Canada."<sup>77</sup> Why bother dispossessing the Indigenous

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<sup>71</sup> Cavanagh, 48.

<sup>72</sup> Nungak, 23.

<sup>73</sup> *Ibid*, 23.

<sup>74</sup> SCR 104, "In The Matter of a Reference as to Whether the Term 'Indians' in Head 24 of Section 91 of The British North America Act, 1867, Includes Eskimo Inhabitants of the Province of Québec." (1939) <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/8531/index.do>

<sup>75</sup> Nungak, 27.

<sup>76</sup> Veracini, 8.

<sup>77</sup> *Naapagunnaqullusi*.

peoples when you can simply pretend they don't exist or refuse to provide them services until they are forced to relocate on their own?

It was not until 1964 that the provincial government of Québec became an active political force in their Arctic region. re-dubbing this area *Nouveau-Québec*.<sup>78</sup> During the Quiet Revolution, Québec became reengaged with its Arctic territory. At this time Québec established its own agency to administer services in the far north, the *Direction générale du Nouveau Québec* (DGNQ).<sup>79</sup> This led to the dual administration of Nunavik by the Federal government and the provincial government creating a “mindless duplication of government services.”<sup>80</sup> However, during the Quiet Revolution, the government of Québec decided to create a presence in Arctic Québec in order bolster their claim to the lands of Nunavik. The land may have been theirs on a map, but in order to truly claim ownership of a territory you have to be present there.

While we may think of settler colonialism in Canada as typically occurring when Anglo or Franco-European settlers established communities in the territory under question, we can consider the creation of the DGNQ a way to assert the presence of the territory of Québec in the far north. This is an extension of the settler-colonial behavior of the federal government and the provincial government of Québec.

This understanding of the colonial history of Nunavik explains the different layers of colonization that the Inuit of Nunavik have experienced, and how the Nunavimmiut have had a different experience with settler colonialism than other Indigenous groups in Canada.

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<sup>78</sup> Nungak, 15-16.

<sup>79</sup> Ibid, 16-17.

<sup>80</sup> Ibid, 21.

## Land Claims and Recognition

Land claims agreements are simply one form of recognition politics. The language that the state uses to talk about land claims agreements and recognition is one of peace, harmony, and reconciliation. While “the Canadian state land claims processes purport to be about righting the wrongs of the past, but they are really just a way of terminating Indigenous rights and bringing legal certainty to land conflicts.”<sup>81</sup> Settler societies prefer to exchange these unknown “aboriginal rights” for enumerated rights outlined in land claims agreements.<sup>82</sup> This way the government can clearly identify what it owes Aboriginal peoples, and what it does not.

Not only do processes of recognition land claims agreements fail to transform unjust colonial relationships but as Leanne Betasamosake Simpson puts it, Indigenous “participation will benefit the state in an asymmetrical fashion, but neutralizing the legitimacy of Indigenous resistance.”<sup>83</sup> Recognition, via land claims or other means, is a way to placate Indigenous actors which can undermine the strength of resistance movements. Thus, not only is the present colonized, but without resistance movements the future will remain colonized.

However, the concept of recognition can be enticing to subaltern populations, which is why we see some Indigenous proponents of recognition. On the one hand Indigenous peoples may develop “psycho-social attachments” to these created forms of recognition, as Fanon describes.<sup>84</sup> Simpson notes that “As much as it (state recognition) is problematic, it is epidemic in how we think and organize.”<sup>85</sup> This is why many who engaged in land claims agreements explicitly consider them a way to achieve recognition.

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<sup>81</sup> Leanne Betasamosake Simpson “Indigenous Resurgence and Co-Resistance.” *Critical Ethnic Studies* 2, no. 2 (2016), 20.

<sup>82</sup> Coulthard (2011), 96.

<sup>83</sup> Simpson (2011), 22.

<sup>84</sup> Coulthard (2014), 26.

<sup>85</sup> Simpson (2016), 29.

On the other hand, Indigenous peoples might seek recognition via land-claims because even though land-claims are a form of recognition politics which perpetuate the colonial system, often times Indigenous peoples have to settle. Settle for recognition instead of justice, settle for land-claims instead of land-ownership, and settle for less than they deserve in those land-claims. Simpson describes this well: “Indigenous peoples are often stuck in the position of having to make the best of things.”<sup>86</sup> This is why we see Indigenous nations still enter into land claims agreements with settler-colonial societies. They have little other choice.

### **Inuit Resistance and Resurgence:**

With this knowledge of the relationship between settler colonialism and Recognition Politics, we can see how the JBNQA can be considered a failure in many ways. However, the JBNQA was also a success for the Inuit. This is because the negotiation of the JBNQA provided a framework for Inuit resistance.

The political mobilization of the Nunavimmiut was spurred by the creation of the James Bay Hydroelectric facility. Hydro-Québec and the provincial government would have preferred if the Inuit and Cree had simply allowed the construction of the James Bay project. Instead, the government was forced to negotiate a compromise with the Indigenous peoples who occupied the land and recognize that there is some kind of Aboriginal title to these lands.

Negotiating the JBNQA was done in a time when the Canadian government was transforming their relations with Aboriginal peoples from overt colonialism to accommodation and recognition. As the first modern land-claims agreement in Canada, there was no blueprint for how NQIA negotiators should approach this process. The NQIA negotiators had to create a new way of interacting with the settler government. The Inuit effort in resisting the James Bay Hydro

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<sup>86</sup> Simpson (2016), 29.

Facility and negotiating the JBNQA informed how Inuit people from the rest of Canada would negotiate future land claims agreements in Nunavut, Inuvialuit, and Nunatsiavut. It is difficult to be the first. It comes with trial, error and criticism. But someone has to be first.

Additionally, the JBNQA can be considered a success because it created opportunities for the Nunavimmiut to focus inward on improving their communities and preserving their culture. According to Fanon, freedom lays in the ability to find one's own self-affirmation instead of relying on the colonizer for recognition.<sup>87</sup> Self-affirmation is a form of resistance that initiates the decolonization process.<sup>88</sup> In this way, even in the most brutal and violent of colonial power relationships, the subaltern still have the ability to act. They are never completely silenced.<sup>89</sup> Fighting against the James Bay Hydro project was a form of self-affirmation for the Nunavimmiut.

Furthermore, the creation of regional governance structures in Nunavik allowed the Nunavimmiut to shift their focus from fighting against the colonial powers of Québec and Canada and instead focus on themselves. They could focus on changing the Indigenous inside, instead of the colonial outside.<sup>90</sup> This is the process Simpson refers to as resurgence. By turning inward and shutting out the demands of the settler colonial society, Indigenous resurgence is the most radical form of nation building.<sup>91</sup> While there were many compromises that needed to be made during the negotiation process, the results of the JBNQA did carve out a physical and political space for the Nunavimmiut for resurgence. The work of the Makivik Corporation, the Kativik Regional Government, the Avatuq Cultural Institute, and even the production of

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<sup>87</sup> Coulthard (2011), 67.

<sup>88</sup> *Ibid*, 67.

<sup>89</sup> *Ibid*, 210.

<sup>90</sup> Simpson (2011), 17.

<sup>91</sup> Simpson (2016) 22, 28.

*Naapagunnaqullusi* are all part of the continued efforts to support the Indigenous inside. The preservation of Inuit history, culture, language, and traditions are the evidence of this resurgence taking place.

## Conclusion

The relationships between the Inuit, Québec, and Canada create a complex web of colonial power. However, it is important to remember that Québec is neither better nor worse than the rest of Canada in terms of their relations to Aboriginal peoples.<sup>92</sup> Numerous other Indigenous groups across Canada have also entered into land-claims agreements and also had experiences of both success and failure. What the Nunavimmiut did to initiate the creation of the NQIA, the injunction to stop construction on the James Bay project, and finally the JBNQA was remarkable. The political mobilization that resulted from the JBNQA was, and remains, exceptional for its ability to spur political mobilization among the Inuit of Nunavut and across Inuit Nunangat and establish Aboriginal self-governance within Québec.

Self-governance in Nunavik is considered exceptional by scholars and politicians alike. Gary Wilson, of the University of Northern British Columbia describes Nunavik as an autonomous Inuit region nested within the province of Québec.<sup>93</sup> He contends that the “dynamic multilevel system” of governance in Nunavik has contributed to the development of Inuit governance as a whole, guiding the creation of governance structures in other Inuit regions both through the example of their institutional structural and their leadership.<sup>94</sup> The modern operation of government services in Nunavik is upheld as an exemplar of Indigenous self-governance.

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<sup>92</sup> Daniel Salée. “Identities in Conflict: The Aboriginal Question and the Politics of Recognition in Québec.” *Ethnic & Racial Studies* 18, no. 2, (1995), 304.

<sup>93</sup> Gary Wilson. “Nunavik and the Multiple Dimensions of Inuit Governance,” *American Review of Canadian Studies*, 47 no. 2 (2017), 3-4.

<sup>94</sup> *Ibid*, 1.

Nunavik also continues to use the lessons they learned about political organization and mobilization from the JBQNA when fighting today's battles. This includes participation in national and international Inuit organization, such as the Inuit Tapiriit Kanatami, the Inuit Circumpolar Council, and in larger international organizations including the Arctic Council and the United Nations Permanent Forum on Indigenous Issues.

In the 21<sup>st</sup> century, the Nunavimmiut have also continued to pave the way in Aboriginal relationships with provincial governments. In recent years, Nunavik has resisted further encroachment and development on their land from the government of Québec. As the government of Québec continues to try and expand their development efforts in the North, more tensions between government development plans and the Nunavimmiut have arisen. However, the Nunavimmiut are now well experienced and equipped to resist any encroachments on their territory or political agency. The Nunavimmiut continue to resist so that they can stand.

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