

# INDIGENOUS RIGHTS AFFIRMED IN CANADA WITH JAMES BAY DAM VICTORY

## SUMMARY

In the 1970s, Canadian electric company Hydro-Québec initiated the James Bay hydroelectric project. The project would include multiple dams in three phases, impacting approximately 12,000 Cree and 6,000 Inuit Indigenous peoples in the James Bay region and devastating plants and animals. Eight Cree communities formed the Grand Council of the Cree, leading a campaign against the first phase of the project that was mainly waged through the courts.

However, they lost their legal battles and were forced to negotiate, signing the James Bay and Northern Québec Agreement (JBNQA) with the provincial government. In return for allowing the first phase of the project, Inuit and Cree peoples would receive services such as health care and education, as well as protection of fishing and hunting sources, though this was frequently ignored by the government. The agreement was one of the first of its kind to recognize a level of Indigenous right to self-determination, including consultation around future projects, but it also institutionalized the power of a colonizing government to develop sovereign Indigenous lands.

The second phase of the James Bay Project, called the Great Whale Project, began moving ahead in 1988. Some Inuit participated in preproject studies with Hydro-Québec, while the Cree refused all forms of engagement. Since the electricity generated would be sold in Canada and the Northeastern United States, newer and younger leadership decided the key to a successful campaign was to bring the issue into the homes of the Canadian and American public through creative and strategic nonviolent direct action tactics. Many Inuit joined with Cree activists to organize.

Working with several national environmental organizations and with student groups on college campuses, activists built a diverse and vibrant coalition that mobilized intense grassroots force. Under pressure, universities withdrew their investments in Hydro-Québec, and the states of New York, Maine, and Vermont withdrew or reduced their electricity contracts, striking a serious blow to the company's revenue sources. Then, in 1994, a Canadian court ruled that the company had to undergo a stricter form of environmental review, as laid out in the James Bay and Northern Québec Agreement. Faced with a lengthy, arduous review process, the Québec government soon announced the indefinite postponement of the Great Whale phase of the James Bay Project.

Photo: Chase Roe/Earthroots



Odeyak paddling past Manhattan on Earth Day in 1990 to protest against the Great Whale Project.

## ISSUE

State-owned electric company Hydro-Québec wanted to build dams in the Great Whale watershed, destroying hunting and fishing grounds and without sufficient consultation and self-determination of affected Cree and Inuit communities.

## WHO

Cree and Inuit communities in Québec along with environmental organizations and student groups in Canada and the United States

## WHERE

On ancestral lands of Cree and Inuit peoples, Québec Province, other provinces in Canada, and the Northeastern United States

## GOALS

To stop the construction of the Great Whale Project, the second phase of the James Bay Hydroelectric Project. This campaign was part of a larger goal of gaining land rights and the right to self-determination for Indigenous peoples in Québec.

## STRATEGY

The campaign sought to galvanize public opinion in Canada and the United States in order to make the project too costly—financially, politically, and socially—for government and corporate officials to move forward. Along with nonviolent direct action tactics, activists used a legal strategy to enforce the rights of affected communities.

## PLANNED OR SPONTANEOUS?

In the 1970s, Cree and Inuit activists were unsuccessful in challenging the first James Bay dam project through the courts, a campaign that had little impact on people not involved with the case. This time, new leadership planned a robust campaign that included widespread participation of Cree and Inuit communities and their allies, bolstered by further legal challenges. They formed partnerships with national environmental organizations and campus students groups, successfully attracting attention from the media, intellectuals, and government leaders that helped the cause.



Source: Cree Cultural Institute

In 1990 Cree and Inuit from Northern Quebec travelled more than 2000 km over five weeks, to downtown Manhattan in a campaign against the proposed damming of the Great Whale River.

## ISSUE FRAMING

The issue was framed in terms of the rights of Indigenous people, both legally and in the

public eye. The project was considered environmental racism and genocide by many—a continuation of a paternalistic, colonizing form of development where Indigenous peoples were not even treated as equal partners on their own lands.

## LEADERS, PARTICIPANTS, ALLIES INCLUDING ELITES

The Cree and Inuit were able to mobilize a diverse cross-section of support, including individuals and pressure groups, though these sometimes had opposing agendas.

### Leaders:

- Matthew Coon Come, Grand Chief of the Grand Council of the Crees, who dubbed the project "our Cree nightmare"
- The Grand Council of the Cree, a body representing eight Cree communities
- Inuit leaders
- Student leaders on university campuses who organized divestment campaigns



Matthew Coon Come

### Participants:

- Members of Cree and Inuit communities
- Students and members of the general public in Canada and the United States

### Allies, including elites:

- Environmental organizations including the Sierra Club, Greenpeace, Canadian Arctic Resources Committee, and the Audubon Society. Their participation helped with publicity and credibility, however, exploitation of the issue by some groups at times hindered efforts to keep local communities at the forefront of the campaign
- Labor activists, particularly in Vermont and New York
- Justice Paul Rouleau, Canadian federal court judge who ruled in the Cree's favor
- New York State politicians, who, after substantial grassroots pressure, canceled the state's \$17 billion contract with Hydro-Québec
- U.S. politicians like Robert F. Kennedy Jr., opposing the project for environmental reasons, and others in New England wanting to prioritize their own energy production

## TARGETS

- Leaders of the Québec government, especially Premiers Jacques Parizeau and Robert Bourassa who were strong proponents of the James Bay Project
- Government officials in the Northeastern United States
- Hydro-Québec officials
- Regulatory agency officials in the U.S. and Canada with authority to enforce rules around energy and corporate responsibility (e.g., the National Energy Board)

Source: quebec.huffingtonpost.ca



Robert Bourassa (Left) and Premier Jacques Parizeau (Right)

## OPPONENTS

- Québec government leaders including Premiers Jacques Parizeau and Robert Bourassa
- Hydro-Québec officials

## TACTICS

Some tactics were dispersed and some were concentrated, though most were fairly low-risk in the context.

- **Petitioning** state officials and regulatory agencies
- **Demonstrations** in state capitals, particularly at utility offices and utility hearings
- **Divestment campaigns** by students on university campuses
- **Speaking engagements** held regularly by activists
- **Public receptions** of around forty Cree and Inuit boaters, traveling waterways in the U.S. and Canada in a hybrid craft, the bow a Cree canoe and the stern an Inuit kayak
- **Traveling roadshows** bringing music and slides of the affected area around the U.S. and Canada
- **Delegations** traveling to The Hague, Washington, DC, and Geneva to discuss the project
- **A documentary film** called "Power: The James Bay Cree v. Hydro Québec"
- **Full-page advertisements** in newspapers like the New York Times
- **Public distribution** of T-shirts and posters to help raise awareness
- **Referendums** in the U.S. regarding power usage from Hydro-Québec
- **Alternative energy plans** developed by citizens to combat the need to buy power
- **Curricula developed** at local schools about James Bay and the Cree
- **Legal challenges** in multiple legal cases, at least one taken to the Canadian Supreme Court to force the company to submit to a stricter form of environmental review

## RESPONSE BY OPPONENT

From the onset, Hydro-Québec tried to win Cree and Inuit peoples over to the project, saying it was in their best interest. They held public relations meetings with some communities and took hand-picked groups of mostly Inuit Elders on helicopter tours of the project to "educate the Inuit on hydroelectric dams. We thought this would lessen their anxiety and opposition to the project." In addition, the company's public relations profile was full of misleading information, including an argument in one case that a federal judge called "ludicrous" and publications that seemed to be designed to confuse people and divert attention from the real impacts of the project.

## MEDIA & MESSAGING

There was considerable media coverage of the campaign and the project in local and national news in Canada and the United States. In particular, a group of Cree and Inuit boaters took a journey along the St. Lawrence and Hudson Rivers to New York City, holding public education events along the way that were widely covered by the press. The creativity of this tactic helped gain a meeting with New York City's Mayor, whose endorsement of the campaign led to the support of other politicians, resulting in New York State's legislature voting to cancel their multibillion-dollar contract with Hydro-Québec. This was a major turning point in the campaign.

## OUTCOMES

Thanks to a strategic, grassroots campaign, the Cree and Inuit forced the indefinite postponement of the second portion of the James Bay dam project. This was a huge, hard-fought victory that helped protect their communities and marked an important milestone for shifting power relations between the Québec government and Indigenous populations. More than ever before, Cree and Inuit communities had increased their influence with regard to development in their lands. This was affirmed in 2002 with the signing of The Agreement Respecting a New Relationship Between the Cree Nation and the Government of Québec (also called La Paix des Braves). Signed nation to nation, this would have been unlikely without the successful fight against the Great Whale Project. Finally, whereas many in Québec had seen the dam projects as a way to energy independence and potentially political independence for the province, after the campaign, public opinion seemed to shift and a number of influential artists, intellectuals, and politicians stated that the emancipation of Québec could not come at the expense of its Indigenous populations.