Crees Seek to Have Our Right to Full and Equal Participation in Any Secession Discussion Reflected in the Federal "Clarity Bill"

The federal government has introduced Bill C-20 *"An Act to give effect to the requirement for clarity as set out in the opinion of the Supreme Court of Canada in the Quebec Secession Reference"* referred to below as the *"Clarity Bill"*. The bill is meant to establish some rules for any future referendum by Québec or any other province on the issue of secession. It has far-reaching implications for the James Bay Crees and other Aboriginal peoples - especially those in Québec.
There appear to be two reasons why the federal government wants to adopt the *Clarity Bill*:

1. The Supreme Court of Canada has determined in its judgment in the *Québec Secession Reference* that only if certain conditions were met would federal and provincial governments in Canada have a constitutional duty to negotiate secession (but not necessarily reach agreement) with the Québec government. These conditions are that in any future referendum on secession, there must be a "clear majority" of Quebecers who vote on a "clear question" in favour of secession.

2. The federal government holds the view that previous Québec referendums in 1980 and in 1995 have not posed clear questions. For example, in regard to the 1995 referendum, it has been determined that less than half the population in the province knew that Québec would become independent if future negotiations on a new partnership with the rest of Canada failed.

"Clarity" may well be the central theme of Bill C-20. However, it is not the only aspect that is addressed. The Bill also deals with constitutional amendment and who will participate in any future negotiations on secession. These and other related matters are of far-reaching consequence to the James Bay Crees.

The future of the James Bay Crees, among other peoples, would be subject to profound changes if Quebec seceded from Canada. In particular, Cree treaty rights under the James Bay and Northern Québec Agreement would be fundamentally altered. The historical relationship with the federal Crown would be eliminated. The Supreme Court of Canada would be replaced by a Québec court. Federal common law on Aboriginal rights would likely no longer apply.

It is for this reason that the Grand Council of the Crees submitted a brief to the Legislative Committee of Parliament on Bill C-20. It is evident that the present legislative proposal ignores parts of the Supreme Court decision that would best protect the rights of aboriginal peoples in the context of secession. We reminded the Federal Government of its constitutional responsibilities to us and of its obligation to uphold the important principles of federalism, democracy, of the constitution and of the rule of law. Only if these are correctly construed and respected in the proposed legislation will the Cree right be up-held to play a key role in the future determination of the status of our Territory and in our political status and relations with Canada and the province of Quebec.

Grand Chief Ted Moses

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