

CREE NATION GOVERNANCE AGREEMENT

CREE CONSTITUTION

SUMMARY

INTRODUCTION

The *Agreement concerning a New Relationship between the Government of Canada and the Cree of Eeyou Istchee* of 2008 sets out a process for negotiations leading to a *Cree Nation Governance Agreement* and a Cree Constitution. These negotiations have now been completed.

The final drafts of the Governance Agreement and Cree Constitution are available for consultation at the offices of the Cree First Nations. Consultations are currently taking place with the Cree beneficiaries, Cree First Nations and other Cree stakeholders. The Governance Agreement must be formally approved by resolution of each of the Cree First Nations and of the Cree Nation Government as well as by the Government of Canada before it is signed. Once these steps are completed, the Governance Agreement will take effect when the federal legislation approving it takes effect.

PURPOSE

The Governance Agreement and Cree Constitution strengthen Cree self-government on Category IA lands in the context of the *James Bay and Northern Québec Agreement* (JBNQA). They will provide the Cree with greater autonomy and flexibility in governance on Category IA lands. They will also provide long-term predictability of funding for the Cree First Nations and Cree Nation Government.

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In summary, the Governance Agreement will make more efficient existing governance powers and procedures on Category IA lands under the JBNQA and the *Cree-Naskapi (of Québec) Act*. Arrangements regarding Cree local and regional governance on Category IA lands will be transferred from the *Cree-Naskapi (of Québec) Act* into the Governance Agreement and Cree Constitution. Once the Governance Agreement takes effect, the *Cree-Naskapi (of Québec) Act* will no longer apply to the Cree beneficiaries, Cree First Nations or Category IA lands.

The Governance Agreement will address three main subjects:

1. Jurisdiction of the Cree First Nations and Cree Nation Government to make laws (instead of by-laws) on Category IA lands – existing arrangements will be maintained, save that Cree laws will not have to be submitted to the Minister of Indigenous Affairs;

2. Land regime on Category IA lands, including access and the grant of rights in lands and buildings – existing arrangements will be maintained;
3. Financial arrangements with Canada, including long-term commitments for Operations and Maintenance and Capital Grant funding.

Under the Governance Agreement, the Cree First Nations will keep the same local government powers, functions and responsibilities that they have now on Category IA lands. The Cree Nation Government will keep the same powers that it now has on Category IA lands concerning, for example, standards for essential sanitation and fire protection.

It is also important to understand what the Governance Agreement does **not** do:

- It does not affect Cree rights under the *James Bay and Northern Québec Agreement*;
- It does not affect Cree governance on Category II lands under the Cree – Québec Governance Agreement;
- It does not transfer powers or functions from the Cree First Nations to the Cree Nation Government or *vice versa*;
- It does not affect the powers and responsibilities of the Cree institutions, such as the Cree School Board, Cree Board of Health and Social Services of James Bay and Eeyou Police Force.

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The Cree Constitution, for its part, starts with a short statement of key Cree values and principles. It goes on to set out arrangements regarding the exercise of the Cree right of self-government in relation to the administration and internal management of the Cree First Nations and the Cree Nation Government on Category IA lands.

These internal governance arrangements are currently set out in the *Cree-Naskapi (of Québec) Act* and will be transferred into the Cree Constitution. These arrangements concern subjects such as procedures for making laws and resolutions, elections, meetings and referenda, financial administration and amendment of the Constitution.

It is important to note that the Cree Constitution can change over time if desired by the Cree. This is because, unlike the *Cree-Naskapi (of Québec) Act*, the Cree Constitution will not be set out in a federal law. Instead, it will be a purely internal instrument of Cree self-government. It will not be approved by Canada or Québec. This means that the Cree may change the

Constitution if they wish to do so in the future in order to reflect changed conditions, without the participation of Canada.

CONCLUSION

The Governance Agreement, the Cree Constitution and the Cree laws adopted pursuant to them will all have the force of law and be binding on all persons. Together, they represent another step in implementing Cree self-government in compliance with the *James Bay and Northern Québec Agreement* treaty. They will provide the Cree First Nations and the Cree Nation Government with important tools to assume greater autonomy and responsibility in the governance of Category IA lands.

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