

# **“Moose Factory Is My Home”: MoCreebec’s Struggle for Recognition and Self-Determination**

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By

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## Abstract

This thesis, based on my ethnographic research in Moose Factory, Ontario documents the history of MoCreebec people from the early Twentieth Century to the present. As Euro-Canadian hunters came onto the James Bay Cree territory and depleted the beaver population, and the Canadian state failed to provide adequate services to the Cree people, many Cree in the coastal area had no choice but to migrate to places where they could survive. Some of them moved from Quebec to Moose Factory, Ontario to find employment and receive medical attention from the regional hospital. These are the circumstance that led to the creation of Tent City where many of the MoCreebec members lived.

This thesis also looks at how the creation and enforcement of boundaries by the Canadian state have divided the Cree people by drawing on theories by authors such as Toby Morantz, Frederik Barth, and Glen Coulthard. The federal government deliberately excluded the Quebec Cree from Treaty 9 as the Quebec government pursued its own policy on Native people in the province and did not recognize Aboriginal rights. As a result, the Cree in Ontario received better service from the federal government while the Cree in Quebec lived in substandard housing. But things changed dramatically with the signing of *the James Bay and Northern Quebec Agreement* in 1975. By the 1980s, the Cree in Quebec had a far more advanced housing program and public infrastructure than any other Indigenous communities in the region. The agreement subsequently became a role model for comprehensive land claims and self-government agreements in Canada. However, the Quebec Cree in Moosonee and Moose Factory were neither consulted nor invited to participate in the negotiation process because of their residency in Ontario. Section 3.2.7 of the agreement also limited the distribution of beneficiary rights to those residing in the agreement's designated boundaries. Living conditions in Tent City remained substandard and social problems like

alcoholism and inter-personal violence became rampant while their counterparts in Quebec enjoyed relative prosperity. As they had no recognized status as a band and received no government assistance, the MoCreebec people were forced to organize themselves and stand on their own feet.

In the following decades, they successfully developed various entrepreneurial projects like Cree Village Ecolodge and Moose River Broadcasting Association to support themselves financially. They have also experimented with the Clan Councils system as a model of governance alternative to the *Indian Act*-sanctioned band councils system, which they saw as a model more consistent with the traditional Cree governance. Through these projects, the MoCreebec people fostered self-sufficiency, which they saw as the core of Cree identity. However, despite their successes, Section 3.2.7 still bars them from accessing the benefits of the agreement. The section particularly affects the young people as they are often forced to suspend their study and relocate to Quebec in order to reinstate their beneficiary status. The MoCreebec people are also seen as outsiders by both the Cree in Quebec and their Moose Cree neighbours because of their residence in Moose Factory as well as their lack of status in Ontario. In response, the MoCreebec people have persistently asserted their claim to Moose Factory as part of an undivided Cree homeland. I believe my thesis will make a particular contribution to the James Bay literature through its critical analysis of the JBNQA and the impact of territorial boundaries on James Bay Cree and Indigenous Peoples in general.

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**Dedication:**  
**In Memory of the Chief Randy Kapashesit**

“Hi Kota. I haven’t forgotten about you”. The late Chief Randy Kapashesit said in one of the many emails we exchanged in the fall of 2011. Randy was always ‘on the move’ between his home and wherever he needed to be to represent his community and Indigenous Peoples at large; whether conference halls in Toronto, the United Nations, or in Minnesota where some of his family members reside. The subsequent infrequency in our communication made me anxious as I pursued my first year of my MA in Anthropology and planned my fieldwork research, which was an unknown realm for me at the time. Yet, both online and in-person conversations I had with him left an impression that he was genuinely interested in my research, which was in turn motivated by my interest in the history of his community.

My last meeting with Chief Kapashesit was at the Union Station in Toronto in late December, 2012. I was on my way from Saskatoon to London, Ontario for a Christmas break and I arranged a visit with Randy, his partner Donna Ashamock, and a mutual friend of ours. We originally planned to spend a day together in Toronto, but a delay in the train schedule cut it down to only two hours. Chief Kapashesit and Donna still showed up. Pressed for time, we decided to have a short visit at the small seating area in the basement of the Union Station. Surrounded by the noise of the rush hour foot traffic, we talked about the relevant issues of the day and exchanged ideas for my fieldwork. Throughout the conversation, he solicited my opinions about his views and listened to my response attentively. After our short meeting, they came to see me off at the departure gate where Randy jokingly said: “When you come, we will have to find you someone to marry.” It was the last time I ever saw him as he died of a massive heart attack four months later in April 2012 while he was visiting his family in Minnesota.

Late Chief Randy Kapashesit had served the MoCreebec people over twenty-five years since 1987 when he graduated from York University where he studied Political Science. Following his graduation and return to Moose Factory, Randy took on a political portfolio. Jon, one of the MoCreebec leaders, still remembers when he met Randy in the 1980s and why he thought Randy would be a perfect fit for his leadership role:

I'd say definitely, well, maybe I'm a little bit better at it now, but I didn't think of myself as being political savvy enough to be involved in stuff like that? I never really enjoyed speaking in front of people. I've gotten used to it now, but that wouldn't be my first choice to do that. Randy was good at it. He was at peace, comfortable doing that. But I feel more comfortable, at peace with business and entrepreneurship. And when Randy became available after he finished his schooling then. He took Political Science as his study. I remember telling him back then. When he first came to my office and introduced himself to me, I said: "Well, you are just the guy we are looking for. We need a political scientist". To try to unravel this whole situation we are in, you know, with the JBNQA and everything else.

He accordingly took on the political portfolio to liaise with other regional and national Aboriginal organizations as well as international bodies such as the United Nations Permanent Forum on Indigenous Peoples, where he sat on the planning committee for the UN 2014 World Conference on Indigenous Peoples. He took a leading role in the drafting of the MoCreebec Constitutional Framework in 1993 and in the legal challenge against Canada, Quebec, and the Grand Council of the Crees (Eeyou Istchee). Aside from his political role in the MoCreebec Council, he was a founder of the Cree Village Ecolodge, which he envisioned as a place where Cree traditional values can be fused with the principles of cultural and ecological sustainability and “a gathering place for sharing and understanding” (Cree Village Ecolodge 2013). While he collaborated with eco-tourism professionals from outside the community, he halted the facility planning work for months when he felt that these outside professionals were moving too quickly and to ensure that the community’s will is represented in the process.

Randy firmly believed in and advocated for the protection and advancement of Aboriginal

rights of his community and of Indigenous Peoples at large. He was also an intellectual who articulated the values that MoCreebec came to collectively embrace, such as economic independence and self-sufficiency, and incorporated them into the Constitutional Framework.

I visited Moosonee and Moose Factory for the first time in the summer of 2011 as part of Canadian Roots Exchange, an educational field-school program for Indigenous and non-Indigenous youth. During the exchange, I was fortunate to participate in a two-week placement program with Randy and assist him with a research project on economic development and Indigenous communities in Canada. Throughout the course of the placement, Randy explained to me the circumstances of his people and community development projects they had worked on since their inception. However, being unfamiliar with the Aboriginal history in general, the history of the MoCreebec community in particular was difficult for me to understand. Nonetheless, their circumstance interested me and I made an effort to stay in touch with Randy who was very supportive of my intent to return. Compared to my two-and-a-half-week first visit to Moosonee and Moose Factory, my two months residence there the following year as an ethnographer enabled me to have more in-depth understanding of the social-political dynamics of the island. It also clarified many questions I had in my previous visit in regards to the community's history. It is my regret that Chief Kapashesit could not participate in my field research and see the completion of my thesis. I dedicate this work to him and his partner Ms. Donna Ashamock who kindly liaised with the MoCreebec Council on my behalf and arranged my field research for me amidst the aftermath of her partner's death. Donna also reviewed my thesis draft and remained in contact with me until this day.



## **Table of Contents**

Permission to Use /i

Abstract /ii

Acknowledgements /v

Dedication: In Memory of Chief Randy Kapashesit /vi

Maps /xi

Chapter One – Introduction /1

1. Who are MoCreebec? /1
2. Why MoCreebec? /3
3. Theoretical Framework & Methodologies /10
4. Chapter Outline /15

Chapter Two - James Bay in the Early Twentieth Century: Crisis and Change /19

1. Introduction /19
2. The Period of Crisis /19
3. James Bay After Treaty Nine /21
4. The Cree Responses to the Crisis /25
5. From Mobility to Sedentarism: The Creation of Reserves and Settlements 27
6. Conclusion /29

Chapter Three – Fragmented Homeland: Colonialism, Territoriality, and the Politics of Recognition /30

1. Introduction /30
2. Bureaucratic Colonialism /32
3. Barth's Theory of Group Identities /34
4. From Ethno-Status to Ethno-Territorial Distinctions /38
5. The Politics of Recognition and its Territorial Limits /41
6. The Effects of Territorial Boundaries on Indigenous Peoples in Canada /47
7. Conclusion /56

Chapter Four – “Don't Forget the Agreement”: The History of MoCreebec People /59

1. Introduction /59
2. The James Bay and Northern Quebec Agreement /59
3. Section 3.2.7 /61
4. Migration and Life in Tent City: Moose Factory Before MoCreebec /62
5. The Intracommunal Conflicts and Territorial Politics in Moose Factory /66

6. The Birth of MoCreebec /70
7. Consult '87 /75
8. Failed Diplomacy /78
9. Conclusion /80

Chapter Five – Cree Nationhood Beyond Borders: Fostering Self-Sufficiency and Envisioning Alternatives in Moose Factory /82

1. Introduction /82
2. Community Development /82
3. The MoCreebec Constitutional Framework and the Clan Councils /85
1. The Six-Months Requirement as Displacement /90
2. Being “Outsiders” /92
3. Homeland Undivided /97
4. Future of MoCreebec; Beyond Chief Randy Kapashesit’s Death and the Legal Challenge /100
5. Conclusion /106

Chapter Six – Conclusion: Three Braids /108

Bibliography /118

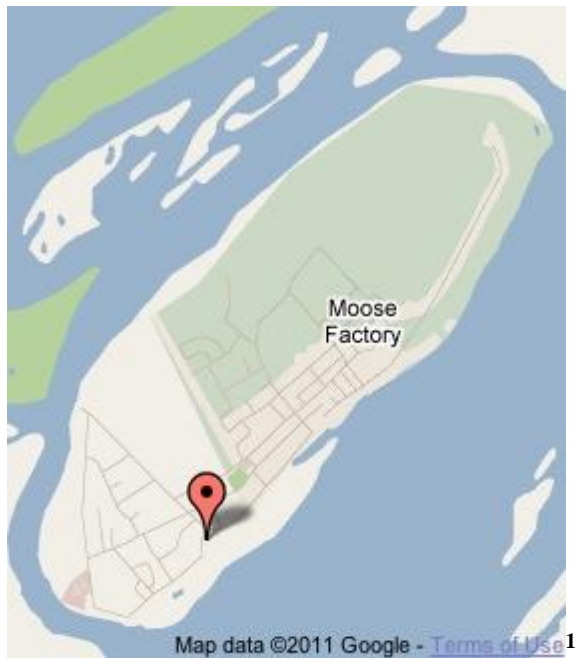
List of Interviews /126

## Maps

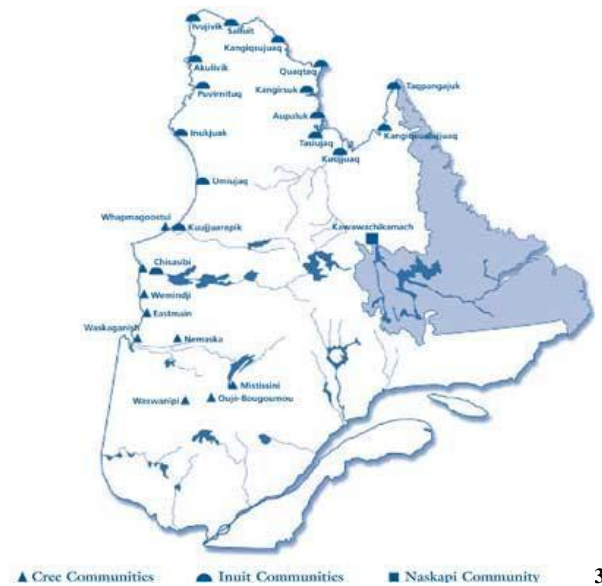
Map 1



Map 2



Map 3



<sup>1</sup> Ontario's Historical Plaques. Moose Factory. Map. Web. August 1<sup>st</sup>, 2015

## **Chapter One:**

### **Introduction**

In this thesis I argue that MoCreebec is a collateral damage of the structural process in which the making of *the James Bay and Northern Quebec Agreement* (JBNQA) reinforced ethno-territorial boundaries among the Cree of eastern James Bay. The creation of these boundaries subsequently limited the expression of Cree identity beyond them. However, it also created new collective identities that did not previously exist. While MoCreebec's residency in Moose Factory disqualified them from receiving benefits and effectively excluded them from claiming membership in the broader Cree Nation, it paradoxically enhanced their agency to foster self-sufficiency and envision the unified Cree Nation undivided by colonial borders. The JBNQA is often celebrated as a historic example of an Indigenous group winning significant concessions from the Canadian state and reconciling the demands of modernity and autonomy. Many scholars described the agreement as a success story and a role model for equitable Indigenous-State relations. There are few exceptions such as Colin Scott's volume from 2001, which identified the agreement's shortcomings, such as boundary disputes and other cases similar to MoCreebec's (Scott 2001, 3-20). However, much of the scholarship on Eastern James Bay is dedicated to supporting the Cree leadership in developing better policies or documenting the development of the JBNQA communities circa 1975. My aim for this thesis is not only to document the MoCreebec history and 'fill the gap' left open by the existing James Bay scholarship, but to bring home the point that the MoCreebec experience is simultaneously an exception and the rule. On the one hand, MoCreebec is an example how some Indigenous communities fall through the cracks of the Canadian state bureaucracy and are collectively unrecognized as legitimate entities. On the other hand, their experi-

ence also speaks to the familiarity of experiences in which the creation of unrecognized Indigenous identities is integral to the functioning of colonialism in Canada, as a series of examples and case studies discussed in this chapter and Chapter 2 demonstrate. The administrative boundaries that were initially imposed from without are now internalized by Indigenous Peoples themselves as the criteria of inclusion and exclusion that often override cultural, linguistic, and kinship ties. My intent is also to demonstrate that the creation of Cree homeland through the JBNQA was a product of the compromise made by the Cree leaders, as much as it was a victory for the Cree people. Like other land claims and self-government agreements that have been signed since, the JBNQA is undoubtedly a product of Indigenous Peoples' resistance to the Canadian state and its settler-colonialism as Glen Coulthard and Paul Nadasdy point out (Coulthard 2014, 4-6; Nadasdy 2014, 506). However, the MoCreebec experience is also an example in which the Cree leaders have emulated a colonial model of governance they were resisting four decades ago (see Chapter Three).

### **Who are MoCreebec?**

MoCreebec, a short form for Moose Factory Cree of Quebec, is a group of Eastern James Bay Cree who reside in Moose Factory, Ontario on one of the islands at the mouth of Moose River, which drains out to the southern edge of James Bay west of the provincial boundary with Quebec. The Cree on both sides of James Bay were traditionally foragers who seasonally moved to hunt various species such as caribou, seal, beluga, polar and black bear, moose, beaver, otter, lynx, hare, geese, ducks, ptarmigan, cisco, whitefish, trout, sturgeon, and pike (Preston 1981, 197). The Eastern Cree (the East Cree or East Main Cree) specifically trace their roots to the east side of James Bay and the south part of the east side of Hudson Bay (Preston 1981, 196). They refer to themselves as *Eeyou* which means 'people' in their language. They speak the Y-Dialect of

the Cree language (distinct from Plains Cree which is also classified as the Y-Dialect). It is also distinct from the sub-dialects of Cree spoken on the west side of James Bay, which are Moose Cree (L-Dialect), spoken in Moose Factory and Swampy Cree (N-Dialect), spoken in the broader region (Preston 198, 195; Beal 2004, 10). The Cree west of James Bay call themselves *Omush-kegowuk* which translates into 'swampy people.' Speakers of East Cree and Moose Cree can often understand each other, but speakers of other dialects may have difficulty understanding East Cree (Beal et al 2004, 10).

The Eastern Cree are also categorized into sub-groups. One group is those who have lived between Richmond Gulf in the southerly portion of Hudson Bay and the Nottaway River drainage in southern James Bay near the present day Quebec-Ontario border (Preston 1981, 193). They are referred to as the Coasters. Another sub-group extends inland from the coast to the height of the land, deep in the interior of the Ungava Peninsula and are referred to as the Inlanders. The Coasters were also called the 'Homeguard' by the Hudson Bay Company as they settled in the vicinity of the fur trading posts and were often employed by the company (Morantz 2002, 20). The Inlanders traditionally hunted inland, but travelled to the coastal trading posts once a year and traded there with the Coasters and European traders. They spoke a slightly different sub-dialect of the East Cree (Preston 1981, 195). While the HBC managers initially invented these two categories, the Cree eventually adopted them to refer to one another (ibid).

The Grand Council of the Crees (Eeyou Istchee) presently represents all of these areas since the signing of *the James Bay and Northern Quebec Agreement* (JBNQA) in 1975. The coastal area now consists of five communities (from north to south): Great Whale River, Chisasibi, Wemindji, Eastmain, and Waskaganish. The inland consists of Waswanipi, Nemaska, Mistassini, Washaw Sibi, and Oujé-Bougoumou. The majority of MoCreebec families today originate from

the last three coastal communities, and they migrated to Moose Factory in the mid-Twentieth Century. While MoCreebec constitute themselves as a community, they are not legally recognized as a First Nation under the *Indian Act* or a Cree community under the *Cree-Naskapi Act*. Nonetheless, they still identify themselves as Cree people and with the coastal communities in which they maintain familial connections. At the same time, due to their lack of official status in Ontario, they are often seen as outsiders or squatters on the neighboring territory of Moose Cree First Nation (see Chapter Five).

### **Why MoCreebec?**

James Bay is arguably the most studied region in the history of Canadian anthropology. Numerous literatures have been produced on the James Bay Cree's subsistence activities, spiritual practices, participation in the fur trade economy, and the making of Treaty Nine in Ontario and its impacts. In Quebec, many social scientists have documented the Cree's resistance to the hydroelectric development project and the subsequent making of *the James Bay and Northern Quebec Agreement* (JBNQA) in 1975. Some of these scholars have consistently documented the change this agreement has brought to the region in following decades and continue to work closely with the Grand Council of the Crees (Eeyou Istchee) and its affiliated Cree governments. Similarly, Moose Factory has received considerable scholarly attention due to its historical significance as the oldest English settlement in Canada and the regional headquarters of Hudson Bay Company during the fur trade period.

Carol Judd documents the development of the "Homeguard" Cree, who were employed by the company on a full-time basis and intermarried with the European fur-traders (Judd 1983). Their descendants were later referred to as "half-breeds" who were neither Cree nor European, a discriminatory term for the Métis people who were also excluded from Treaty Nine on the basis of

their identity. While Judd and others document their experience, there have been very few studies done on MoCreebec even though their experience is remarkably similar to that of the Metis in Moose Factory.

The only scholarly work that has been done to date is a Master's thesis by Alexandra Carol Macqueen submitted to Queen's University in 1992. In her thesis, Macqueen highlights the incompatibility between Indigenous Peoples' self-understanding and their externally imposed identities determined by the Canadian state and its legal provisions. Macqueen argues that this tension has denied MoCreebec positive identity, only defining them as what they are not such as "non-status", "off-reserve", or "non-beneficiary" (Macqueen 1992, 98). Accordingly, she writes, the community consultation process in 1987 and the report of its outcome has served as an opportunity for MoCreebec to construct a positive identity on their own terms while presenting themselves in a term recognizable by the state (100). As I will demonstrate in the following chapters, the problems Macqueen identifies in her work are still relevant today in regards to both Aboriginal peoples in general and MoCreebec in particular, especially the salience of recognition politics in which Indigenous Peoples seek validation from the state or other non-state actors.

While one line of argumentation I take in my thesis is similar to Macqueen's, the latter's scope is limited by the author's focus on the general political and legal contexts surrounding Aboriginal peoples. For instance, she allocates a larger portion of her thesis to explaining the *Indian Act* and its implications on the Canadian state formation than to the detailed discussion of the MoCreebec situation. Her framework of analysis is also limited by her focus on the relationship between the Canadian state and Indigenous Peoples, rather than the relationship among the latter, and how they internalized legal divisions created by the *Indian Act* as the marker of identity and difference, often leading to inter- and intracommunal conflicts (discussed in Chapter Three). The



fact that the thesis was published in 1992 necessitates her findings to be updated to today's context. The most notable change that has taken place since the publication of Macqueen's thesis is the importance of land-claim agreements in resolving disputes between Indigenous Peoples and the Canadian state, many of which were modeled on the JBNQA. Due to the timing of her research in which the MoCreebec organization was still in its embryonic stage. More than two decades have lapsed since the publication, and MoCreebec have experimented with a variety of community development initiatives such as Cree Village Ecolodge and the Clan Councils (discussed in Chapter Five). Their relationship with other Aboriginal organizations became tumultuous as exemplified in their court challenge against the Grand Council of the Crees (Eeyou Istchee) and hostility towards the MoCreebec people by some Moose Cree members. Macqueen's work is also limited methodologically by its reliance on literature review and minimal use of ethnographic data. She specifically analyzes two government reports (Denault Report and Price Report), as well as the proceedings of Consult '87, and a public hearing organized by the federal government's Special Committee on Indian Self-Government on July 1983. While Macqueen's work includes an excerpt from Allan Jolly's presentation at the public hearing, it does not feature any interviews with MoCreebec members. Despite a steady stream of the literature on James Bay since the publication of Macqueen's thesis, no scholars seem to have updated her work. I will fill this gap by including more ethnographic data while continuing the theoretical discussion she initiates in her thesis.

While my intention is not to discredit the existing JBNQA scholarship or the significance and the successes of the agreement itself, I argue that the MoCreebec experience sheds light on the ways in which the agreement redefined the Cree's collective identity along territorial lines, and limited how the Cree autonomy can be expressed. I argue that, while the agreement has enabled

the Cree to gain a territorial autonomy, it also territorialized the expression of this autonomy within the boundaries of Quebec and its own negotiated boundaries that carved up the Cree homeland. In particular, Section 3.2.7 of the agreement has limited the distribution of beneficiary rights to those who reside within the agreement's designated boundaries (see Chapter Four). This new territorial division created by the JBNQA also reinforced the already-existing ethno-status distinctions in Moose Factory (see Chapter Three). Although most if not all MoCreebec members are Status Indians, their exclusion from Treaty 9 make them collectively unrecognized as a legitimate community and outsiders on the land Moose Cree consider as their own.

MoCreebec is not the only group that was excluded from the JBNQA and as a result collectively unrecognized as a legitimate Cree community. The Washaw Sibi Cree is the most recent group of James Bay Cree which gained official recognition within the JBNQA after decades of struggle (Lessard 2014). Like MoCreebec, they resided in a tent city near La Sarre, Quebec, which was close to an HBC trading post as well as their traplines. However, in the late 1950s, the federal government imposed its resettlement policy on the Indigenous Peoples in the area, including the Washaw Sibi families, within the permanent boundaries of the reserve system (WSE, n.d). Indian Affairs officials told them that in order to receive basic services they were entitled under the *Indian Act*, they had to move to nearby Algonquin reserves. The result was their forced dispersal. The majority of them relocated to the Algonquin reserves of Pikogan at Amos and Lac Simon or the Ontario reserve of Wagoshig and other locations in Ontario (WSE, n.d). Others resettled in the towns of Amos or La Sarre. Due to their residency in Algonquin reserves and urban settings, they were neither consulted nor included in the negotiation process for the JBNQA. While some of them are listed as Cree beneficiaries of the agreement, they could not fully access the benefits due to their residency outside of an existing Cree community as required by Section 3.2.7. Those who

were on Algonquin band lists did not become Cree beneficiaries. Despite their official status and decades of residency in these Algonquian communities, they are seen as outsiders and discriminated against as they are often told by their Algonquin neighbours not to take advantage of the social services offered by the band and go to the Cree institutions instead (W.S.E, n.d). On February 2014, after a decade of planning and negotiation, the Washaw Sibi people finally gained recognition as the tenth the JBNQA community as well as a permanent settlement within the city limits of Amos and a land base south of Matagami where their traditional traplines are located (Lessard 2014; Loon and Little 2014).

The Cree community of Oujé-Bougoumou went through a similar process after mining companies forced them to relocate seven times between 1926 and 1970 until they came to their last settlement in Dore Lake (Bosum 2001, 277). In these settlements, the Oujé-Bougoumou Cree lived in temporary structures with substandard living conditions. It was not until 1970s that they realized that they were not recognized as a distinct band and started to organize themselves in order to improve their living conditions and negotiate with the Canadian state (278). While many of the individuals were registered with the Mistassini band nearby, they were reluctant to relocate there as many of them had established residences in the region where they had grown up and became attached to the land (ibid). During the negotiations for the JBNQA, their chief at the time was invited to participate in the discussion with the Mistassini Council where he requested one square mile of land for the community. However, the surrounding municipalities and mining companies opposed the request and made the negotiation difficult (278). As a result, the community was left out of the agreement and forced to stand on their own feet by organizing themselves as a political group. They nonetheless began an extensive community consultation and negotiation process with Quebec, Canada, and the Grand Council of the Crees (Eeyou Istchee). After employing a variety

of tactics from meeting with government officials to road blockade, they eventually negotiated an agreement with the provincial and federal governments in 1992 to construct a permanent settlement on the northwestern shore of Lake Opémisca, 350 kilometres north of Chapais (Bosum 2001, 283-284; AANDC 2015). However, it was not until May 2014 that Oujé-Bougoumou gained an official recognition as a JBNQA community (German 2014).

Like Washaw Sibi and Oujé-Bougoumou, MoCreebec effectively organized themselves into a political community. Within a span of two decades, the MoCreebec people went from the wretched dwellers of Tent City to one of the most successful entrepreneurs in Northern Ontario. The difference is that, prior to their recognition, members of Washaw Sibi and Oujé-Bougoumou already resided in Quebec within the JBNQA territory while the MoCreebec people are located in Ontario. However, all of these examples suggest that the JBNQA has territorialized the region in a way that the place of residency in a fixed location became criteria of inclusion and exclusion as well as recognition and non-recognition (see Chapter Three).

### **A Brief History of Moosonee and Moose Factory**

Both Moose Factory Island and the Town of Moosonee across the river have historically been important locations for various Euro-Canadian institutions. In 1673, Charles Bayley of Hudson Bay Company established a fur trading post on the island, which was initially called Moose Fort (Abel 2006, 33). Britain and France competed over the island which led to the military conflict that ended in the latter's defeat in 1673. After the HBC's merger with its rival North West Company in 1821, the company renamed the island as Moose Factory and it became the permanent regional base from which the company operated in James Bay and the administrative headquarters of its Southern Department where the Governor and Council of Rupert's Land met to plan the

coming year's operations (34). Revillon Freres, a French fur trading company, based their operation in Moosonee since 1901 until it was bought out by the HBC in 1936. Moose Factory is also the oldest English settlement in Canada where European employees of the company inter-married with the Indigenous population. This group of people of mixed ancestry is often referred to as 'company families' because of their close affiliation with HBC or in more derogatory term as 'half-breeds' (Judd 1982). While this has led to a unique synthesis of the Scottish and Cree cultures, exemplified by the Cree fiddlers of James Bay similar to the Métis cultural tradition in Western Canada, the Métis people were historically discriminated against on the basis of their 'half-breed' status and subsequently excluded from Treaty Nine after their unsuccessful attempt to petition the government (Long 2010, 395-396).

Moose Factory was also a centre for Anglican missionaries in the region since the 1840s and particularly since the establishment of St. Thomas Anglican Church in 1885. John Horden, first ordained as a priest and later the first bishop of Moosonee, translated the Bible and other religious texts into Cree syllabics for the missions in other parts of the region (Long 1991, 104). The church later established a residential school on the island named after the bishop as Horden Hall where many parents from the eastern James Bay sent their children: including Jon and Mary whom I interviewed for this research. Established in 1945, the hospital also received First Nations and Inuit patients from the broader region and continues to operate today as Weeneebayko General Hospital for First Nations communities on the west coast of James Bay.

After the decline of fur trade, Moose Factory and Moosonee continued to serve as the regional commercial centre with the construction of railways that reached Moosonee in 1930 and supplied the mining and logging operations in the area. The railway also brought tourists in the late Twentieth Century and various informal economies developed with it. For example, the late Chief Randy

Kapashesit shared a story from his childhood when he and his peers sold fossils they found on the nearby Fossil Island, an uninhabited island in the Moose River archipelagos, to tourists who were getting off the train at the terminal in Moosonee (Kapashesit 2011).

The island is presently a home to Moose Cree First Nation, a federally recognized band and a signatory of Treaty Nine which consists of L-Dialect speaking Cree and occupies the northern part of the island on reserve land administered by its band council. The First Nation is part of Mushkegowuk Council (a regional organization that represents Omushkego Cree communities on the west coast of James Bay and also has its main office in Moose Factory) as well as Nishnawbe Aski Nation (a larger regional organization that specifically represents the signatories of Treaty Nine). It is also a home to the MoCreebec people who occupy the southern part of the island, a parcel of private land formerly owned by the Anglican Church that intersects with the federal and provincial lands that border the First Nation to the north. Most MoCreebec members are descendants of, or the first generation of, the Coasters who migrated to Moose Factory since the early Twentieth Century. Many of them still visit the coastal communities in Quebec frequently because of their familial connections as well as for the purpose of fulfilling the six months requirement to reinstate their beneficiary rights required by Section 3.2.7 of the JBNQA.

### **Theoretical Framework & Methodologies**

The primary aim of this thesis is not only to document the history of MoCreebec people and highlight the peculiarity of their experience, but also to point to its similarity with the experiences of some other Indigenous communities in Canada. To do so, I will simultaneously situate the MoCreebec experience within the historical process of colonialism and the relations of power that underlay it. In particular, I will highlight the ways in which the imposition of territorial boundaries

by the state and their consolidation over time has altered the Cree's social organization and created divisions within the Cree society. These divisions in turn created collective identities that are not recognized by the state such as the MoCreebec people and other examples discussed in Chapter Three. At the same time, I will focus on how the MoCreebec people have organized themselves and built a community of their own despite the constraints placed on them by the lack of state recognition. This thesis is therefore a critical appraisal of the presumed opposition between structure and agency.

Anthropologist Sherry B. Ortner argues that anthropological theories prior to the 1970s, from symbolic anthropology of Clifford Geertz, Marxist political economy of Eric Wolf to structuralism of Claude Levi-Strauss, can be characterized as theories of "constraints" (Ortner 2006, 1). These theories posited that human behaviour was shaped and determined by external forces, be they culture, mental structures, or capitalism, without paying adequate attention to either human agency or the practices that produce and reproduce these constraints. On the contrary, critiques of these theories discounted the role of structural constraint and focused on agency as the determinant of human behaviour. Ortner argues instead that rather than seeing these two poles as oppositional and mutually exclusive, they should be seen as being in dialectical relationship and mutually constitutive of one another (2). Through this framework, she argues, the claim "history makes people, but people make history" is not a contradiction, but the profound truth of social life (ibid). I adapt this view in my thesis and recognize that the plight of MoCreebec people and other Indigenous communities in Canada cannot be understood outside of their interaction with the Canadian state while acknowledging their agency to challenge this asymmetrical power relation and envision alternative futures. While I highlight the structural constraints that colonialism and the state

bureaucracy placed on the MoCreebec people, I also rely on the personal narratives of my interlocutors to elucidate how individuals have experienced, articulated, and resisted these constraints.

For my ethnographic fieldwork, I spent two months in Moose Factory from June to August, 2012. In the course of my stay, I made occasional visits to Moosonee, but I spent the vast majority of my time in Moose Factory. Donna Ashamock arranged for me to stay at one of the houses owned by the MoCreebec Council, just around the corner from its office on Tent City Drive (also referred to as “TC Drive” by local residents), an area of the island where the Tent City was formerly located (discussed in Chapter Four). I shared the house with two other roommates, both of whom were cooks working in the kitchen of the nearby Cree Village Ecolodge. They kindly brought home the left over food from the kitchen. I also spent a considerable amount of time in the restaurant, socializing and informally conversing with my friends and some of my interlocutors over food and coffee. This included hours when the restaurant was not open and for this I am particularly grateful to the Ecolodge’s manager, Greg Williams.

Throughout the course of my fieldwork, I conducted a series of semi-formal interviews with eight members of the MoCreebec community, two of whom I interviewed repeatedly. All of my interviewees were those whom I had met during in my previous visit in the summer of 2011. While I had intended to interview more people, it was a challenge to arrange as many of the people are frequent travelers either for personal or public purposes and were often out of town. As a result, some of the planned interviews had to be delayed or postponed and others never materialized due to the length of my stay. While the majority of the interviews were recorded, an interview with one elder was not recorded at his request. It was also the only interview conducted while others were present; two other community members listened in and asked questions. All of



the other interviews were conducted in locations where the interviewees' privacy could be ensured. I identify all of my interviewees with pseudonym in order to protect their privacy. While I use pseudonyms for my interviewees, I returned my transcripts to all of them. I recognize that preserving anonymity is difficult in small communities like Moose Factory. However, I made every effort to do so. There were also several people whom I sat down with, but who did not want to be formally interviewed. I asked all the interviews a similar set of questions that chronologically trace their family and personal histories, how they became involved with MoCreebec, and weave them into the collective history of MoCreebec. This allowed me to structure my thesis in a similarly chronological fashion.

The literature I had read previous to my fieldwork and documents Donna provided me, some of which were found as I helped her vacate Chief Kapashesit's office, helped me formulate appropriate questions, narrow my focus, and direct the conversations accordingly. These documents include reports made by anthropologists, newspapers articles related to the JBNQA, the founding of the MoCreebec organization and its relationship with Moose Cree First Nation, pamphlets and flyers for community events, letters the MoCreebec leaders exchanged with lawyers, government officials, and representatives of the Grand Council of the Cree (Eeyou Istchee). I also had access to verbatim minutes of the two public meetings the MoCreebec people had with the Grand Council representative, one in February 1980 and the other in February 2002 (see Chapter Four). While these are documents provided and curated by MoCreebec, and hence by no means objective, they helped me assess the relationship MoCreebec has had with the Canadian state and other Aboriginal organizations, as well as how outsiders perceived MoCreebec. Moreover, these documents

helped me not only to formulate interview questions, but assisted me in analyzing the data I collected by “value adding” to what is already documented in the interviews and pre-fieldwork literature review, as Raymond Madden puts it (Madden 2010, 10).

While all of my interlocutors share the circumstance of being part of the MoCreebec community one way or another, their experience and opinions are quite divergent. The most notable difference is generational as some of the members were born in one of the coastal communities while others have spent their entire life in Moose Factory. The level of involvement in the organization of the community is also unique to each interlocutor. For instance, Jon and Michael share similar perspectives due to their entrepreneurial experience while Mary offers a more philosophical understanding of the community. Despite the diversity and divergence of perspectives, I recognized that a relatively small number of interviewees limit the scope of my research and perspectives represented in this thesis. Most of my interviewees are in the leadership positions of MoCreebec. While their contributions are substantial, they are by no means representative of the community as a whole. The scope of my interviews is also limited by the lack of age variation among the interviewees. All of my interviewees are above the age of thirty as I was unable to find younger members to interview.

In addition to the interviews, I also conducted participant observation at various community events such as the Canada Day celebration and the annual regional music festival Cree Fest and the local festival Gathering of Our People hosted by Moose Cree First Nation. My participation in these public events helped me observe political dynamics of the community as members of both MoCreebec and Moose Cree First Nation attended these events. While not all of what I observed at these events is relevant to my research topic, I came to a deeper appreciation of the history of

Moose Factory and James Bay at large that I had learned through my pre-fieldwork literature review. For instance, at the Cree Fest and Gathering of Our Nations, I observed a difference in the expression of Indigeneity between the older and younger generations of Cree. While many of the older Cree gathered outside in the *Shabatowan* (a long-house like structure) to demonstrate and observe the traditional food preparation by the elders, younger people drummed and danced in regalia at the Pow Wow held indoors. I also participated in sweat lodge ceremonies as well as an ancestors' feast during my fieldwork, the accounts of which are not discussed in this thesis. Some of the observations I made also confirmed what my interviewees told me about local politics and the division between MoCreebec and Moose Cree (see Chapter Five)

### **Chapter Outline**

My thesis is divided into five main chapters. The first two chapters introduce the topic and are dedicated to theoretical and historical analysis of Canadian colonialism in relation to the MoCreebec experience. The other three chapters are based primarily on data I collected during my fieldwork in Moose Factory. These chapters intend to highlight how MoCreebec members experienced colonialism through the bureaucracies of the Canadian state including the Grand Council and how they have organized themselves.

The second chapter sets the stage for my analysis by introducing my argument. I will describe the history of social transformation in James Bay in relation to the experience of the Eastern Cree who later migrated to Moose Factory and constitute MoCreebec. I will trace the MoCreebec experience back to the ecological and economic crisis that occurred in the region in the late nineteenth and the early twentieth centuries caused by the construction of railways, the incursion of Euro-Ca-

nadian hunters onto the Cree hunting territories, and the subsequent collapse of the beaver population. This period was followed by the expansion of the Canadian state into the region in response to the collapse of fur economy and the decline of Hudson Bay Company's authority. This transition was also characterized by the deepening of the jurisdictional division between Ontario and Quebec which took different approaches to the question of Aboriginal rights in their respective territories. In particular, the making of Treaty Nine in Ontario was considered by the non-Indigenous parties of the treaty to be the extinguishment of the Aboriginal rights of the Cree and Ojibwe who were also signatories of the treaty while Quebec ignored the concept of Aboriginal rights altogether. I argue that this difference between two provinces led to the significantly uneven process of development in which the southwestern side of James Bay in Ontario experienced acceleration in development following the treaty while the northeastern side in Quebec remained relatively isolated and neglected by the federal government due to the lack of treaties. The resultant starvation and economic hardships among the Cree hunters in Quebec forced them to migrate. Some Cree migrated to Moose Factory, which by this time had become a regional centre for commercial interests and government agencies, in search of viable wage employment and better service provisions and constitute a group that would later call themselves MoCreebec.

The third chapter will theoretically contextualize the MoCreebec history and argue that it is a product of bureaucratic colonialism in which divisions within the Canadian state bureaucracies also create divisions within and among Indigenous communities. I will argue that these divisions are often demarcated by territorial boundaries. I will refer to Frederik Barth's distinction between territorial and ethnic boundaries to elucidate this point. While many nomadic and foraging societies do not require territorial boundaries to differentiate themselves from others, nation-states re-

quire territorial boundaries to determine who are entitled to be citizens and who should be excluded. Similarly in Canada, many Indigenous societies including James Bay Cree had mobile and flexible social organization and did not rely on fixed boundaries to differentiate themselves from others. However, the Canadian state has institutionalized territorial and jurisdictional boundaries as the criteria of recognition in which identity claims of Indigenous Peoples can only be validated within the boundaries set by the state, inaugurating what Glen Coulthard calls *the politics of recognition*. I will also argue in agreement with Chris Andersen and Claude Denis that this limit was determined in territorial terms by placing land base as the locus of recognition while discounting mobility as a vital part of Indigenous identity. Andersen and Denis call this model of Indigenous-State relations *the nation model* in which the claims of Indigenous communities to nationhood can only be recognized in association with a particular territory or their residency within it. While I highlight the relevance of these theories to the MoCreebec experience throughout the chapter, I will also discuss other cases from across Canada where Indigenous Peoples experience similar dynamics of exclusion and marginalization.

The fourth chapter will trace the history of MoCreebec from the signing of *the James Bay and Northern Quebec Agreement* in 1975. Following this brief outline of the contexts and content of the agreement, I will chronologically trace the personal histories of the MoCreebec members and weave them into the collective history of their organization since its establishment in 1982.

The fifth chapter will focus on the ways in which the MoCreebec community asserted their identity. Faced with the lack of financial support, the MoCreebec people have organized themselves through various community development initiatives as examples of self-reliance, which some of my interviews refer to as a Cree ideal consistent with the ways in which their ancestors

lived as hunters. In order to strengthen their governance, community leaders drafted the MoCreebec Constitutional Framework as an outline of governance principles and implementation strategies. One of the key aspects of the Constitutional Framework is the development of what they call the Clan Councils as a governance structure alternative to the Band Council system sanctioned by the federal government. This chapter will also highlight the effects of Section 3.2.7 on the personal lives of the MoCreebec members. The section particularly affects the younger members as they are disqualified from receiving financial support for their post-secondary education unless they relocated to Quebec temporarily to reinstate their beneficiary status. Their relocation has often caused a sense of alienation among the young beneficiaries as they felt they are alien to the communities where they have never lived before. Some of them received unwelcoming responses to their presence from the local residents. This experience, however, is not unique to when they are residing temporarily in Quebec as they experience similar reactions from their Moose Cree neighbours in Moose Factory. Some of the MoCreebec members have been told by the Moose Cree members that they do not belong to the land Moose Cree consider as their own. In response to this exclusionary discourse, however, the MoCreebec members have asserted their claim to Moose Factory as their home by articulating the concept of Cree homeland undivided by the colonial borders. I will conclude the thesis with updates of some of the changes that have taken place in the community since I conducted my fieldwork in the summer of 2012 and a restatement of my findings.

## **Chapter Two:**

### **James Bay in the Early Twentieth Century: Crisis and Change**

#### **Introduction**

This chapter will outline the history of MoCreebec within the context of broader regional history. I will begin with the general description of the process in which the jurisdictional division between Quebec and Ontario has led to the creation of separate Cree identities. While development in western James Bay on the Ontario side of the border accelerated following the making of Treaty Nine in 1905, the eastern James Bay in Quebec remained largely underdeveloped until the 1970s. This geographical unevenness of development at the regional level has become manifested at the local level in Moose Factory as the division between MoCreebec and Moose Cree First Nation. While the former lived in substandard living conditions in what was then known as the ‘Tent City’ until late 1980s, the latter received public housing and other service provisions by the federal government as early as the 1940s.

#### **The Period of Crisis**

The Eastern Cree’s presence in Moose Factory and the surrounding areas in what is known today as Ontario goes back beyond the record as many of their traditional hunting grounds were located in the Hanna Bay Basin at the drainage of Harricanaw River near the present day Quebec-Ontario border (Scott and Morrison 1993, 30). In the Nineteenth Century and earlier, the Cree from both sides of the Bay were drawn to the Moose Factory and Moosonee area to trade at the HBC post. The Cree from Quebec frequently moved across the present day Quebec-Ontario border to use their traditional hunting grounds and trade at Moose Factory until the early Twentieth Century. As in Ontario, social conditions in Quebec deteriorated due to the severe decline of fur animals at the turn of the century. The rapid development of transportation technologies brought

various mining and logging interests and led to the incursion of Euro-Canadian trappers onto the Indigenous hunting territories. The latter in particular led to an increase in competition over furs, the subsequent decline in the number of fur animals, and starvation for the Indigenous hunters (Morantz 2002, 119). The Coasters were particularly vulnerable since they relied more on the fur trade than the Inlanders. They were forced to find alternative means of survival, one of which was southward migration (121). Their mobility pattern subsequently changed to accommodate their needs for paid employment combined with part-time hunting and trapping near larger settlements and towns such as Moose Factory and La Sarre, Quebec (ibid). Some of these migrants settled permanently in Moose Factory to pursue a more sedentary way of life. In the meantime, the imposition of jurisdictional boundaries significantly disrupted the Cree's mobile land use pattern as these boundaries were not consistent with the Cree's economic needs to move outside of the fixed boundaries of their legally registered communities (Scott and Morrison 1993, 101).

This period of crisis also coincided with the period in which Canada was divided into provinces and territories. In 1870, Rupert's Land was transferred from the HBC to the nascent Canadian state, which recognized the enormous economic potential of its hinterland, while the Indigenous Peoples of the region were neither informed nor consulted (Morantz 2002, 40). The federal government gradually turned over its northern territories to Ontario (1879 and 1902) and Quebec (1898 and 1912) (40). Only Ontario entered into a treaty with the Cree and Ojibwe through Treaty Nine while Quebec did not as it considered Aboriginal rights non-existent since the time of New France (133).

While Euro-Canadian economic interests were already present in both provinces prior to Treaty Nine, this difference in two provinces' approach to Aboriginal rights was rather significant. Despite the federal government's role as the primary actor in consulting with these provinces, the



treaty not only legitimated the presence of Euro-Canadian economic interests in Ontario by formally extinguishing Aboriginal rights within the treaty area, but also consolidated the border with Quebec. In the meantime, most of northern Quebec remained unceded until 1975 when the Cree and Inuit signed *the James Bay and Northern Quebec Agreement* (JBNQA). This consolidation was also facilitated by the deliberate exclusion of “Quebec Indians” from the treaty process in Ontario as well as the Quebec government’s indifference towards Aboriginal rights within its jurisdiction. Overall, the fact that a treaty was signed in Ontario nearly seventy years prior to the signing of the JBNQA made development in James Bay geographically uneven. Eastern Cree in Quebec remained in a state of underdevelopment with very little material support from the state or adequate employment opportunities to cope with rapid social change that was taking place on both sides of the border.

### **James Bay After Treaty Nine**

Treaty Nine was signed in 1905 between the Ojibwe and Cree of northern Ontario and representatives of Canada and of Ontario. Treaty Nine was the first treaty that involved a province in its negotiations after a series of legal battles between the federal government and the province of Ontario.

As John Long documents in his *Treaty 9: An Agreement to Share the Land*, Canada and Ontario signed the treaty to advance their economic interests and territorial sovereignty (Long 2010, 50). For Canada and Ontario, the treaty was intended to secure an extinguishment of the Indian titles to land, and facilitate the north-west expansion of Ontario’s territorial jurisdiction onto Indigenous lands that were hitherto unceded and previously under the jurisdictions of Manitoba and Northwest Territories (50). The written articles of the treaty state that it was intended to open the area for “settlement, immigration, trade, travel, mining, lumbering, and such

other purposes as to His Majesty may seem meet” (AANDC 2013). According to the articles, by signing the treaty, the Cree, Ojibwe, and other Indigenous signatories

...cede, release, surrender, and yield up to the government of the Dominion of Canada, for His Majesty the King and His successors for ever, all their rights titles and privileges whatsoever, to the lands included within the following limits, that is to say: That portion or tract of land lying and being in the province of Ontario, bounded on the south by the height of land and the northern boundaries of the territory ceded by the Robinson-Superior Treaty of 1850, and the Robinson-Huron Treaty of 1850, and bounded on the east and north by the boundaries of the said province of Ontario as defined by law, and on the west by a part of the eastern boundary of the territory ceded by the Northwest Angle Treaty No. 3; the said land containing an area of ninety thousand square miles, more or less.

And also the said Indian rights, privileges whatsoever to all other land wherever situated in Ontario, Quebec, the District of Keewatin, or in any other portion of the Dominion of Canada (AANDC 2013).

The treaty also recognized their right to continue hunting, fishing, and trapping on the surrendered lands as they were orally promised, though this right was limited as the Crown now held title to these lands (ibid). John Long argues nonetheless that crucial details about the treaty’s contents were never orally explained to the Indigenous signatories, while other promises were made orally but not included in the written parchments. According to Long, the Cree and the Ojibwe were never asked to surrender their land when signing Treaty Nine (Long 2010, 344). From Canada and Ontario’s perspective, however, the treaty effectively extinguished the Cree’s and the Ojibwe’s Aboriginal rights within northern Ontario. The Canadian state subsequently considered the reserve lands to be the federal Crown land held in trust for First Nations, and the off-reserve lands to be under provincial jurisdiction.

The province's involvement in the making of Treaty Nine and its implementation further complicated its relationship with Quebec which pursued its own policy in regards to Indigenous Peoples. While Ontario battled with Canada to have its territorial sovereignty recognized, the

federal government passed *the Quebec Boundary Extension Act* of 1898 which set Quebec's northern boundaries along the Eastmain River and brought the Cree, Naskapi, and Inuit within its jurisdiction (Morantz 2002, 40-41). The act also mandated Quebec to formerly obtain the surrender of Aboriginal rights through treaties (Morantz 2002, 133). However, Quebec chose to ignore this mandate by denying the existence of Aboriginal rights altogether and considering them to be forever extinguished (40). Morantz argues that Quebec's decision was "a political and bureaucratic one" carried out without any judicial review (134). As a result, Treaty Nine only included the Cree and Ojibwe in Ontario and excluded their counterparts in Quebec.

The jurisdictional division between Ontario and Quebec had concrete impacts on the lives of the Cree and Ojibwe whose social organization extended beyond the provincial border. The Abitibi Ojibwe who wintered in Quebec were refused admission to the treaty while their counterparts in Ontario were included (Long 2010, 84). As a result, the hitherto singular Abitibi band was divided into two administrative categories (Ontario-Abitibi and Dominion-Abitibi) until Dominion-Abitibi signed an adhesion in 1908 as their counterparts in Ontario agreed to share their reserve with them (85). At Moose Factory, the collective interests of the Rupert House Cree were not represented in Treaty Nine as they were considered as "Quebec Indians" (Scott and Morrison 1993, 47). The only exceptions were those individuals whose affiliation with the Moose Factory trading post was deemed sufficient to be considered as they originated from the south of James Bay.

As the treaty formally extinguished Aboriginal rights in far northern Ontario, it significantly accelerated the process of development in the broader James Bay region. In particular, the completion of railways by 1919 had profound impacts on Indigenous Peoples in the area as they passed through the hunting grounds of Cree and Ojibwe hunters (53 & 55).

The treaty and railway also increased the presence of the state bureaucracy in Northern Ontario. The Cree at Moose Factory received annual visits by a federal government representative as the paymaster of treaty annuities of four dollars a person (Beal et al 2004, 18). Residential schools became government subsidized and Horden Hall opened in Moose Factory (18). An Indian Affairs office, staffed by a resident doctor who also served as an Indian agent, opened in 1926 and an RCMP detachment opened on the island in 1929. The arrival of the railroad in 1932 made Moosonee the transportation and trans-shipment center that connects the south with James Bay.

While the Cree within the treaty area in Ontario increasingly came under the control of the Indian Affairs, the Cree of eastern James Bay remained isolated until the 1960s. However, they were also affected by development in the south accelerated by the treaty. The completion of railways, combined with harsh economic conditions in the urban centres created by the Great Depression and rising fur prices in the 1930s, led to the incursion of independent Euro-Canadian trappers onto the Cree hunting territories. The Hudson Bay Company complained in 1924 that the white trappers “in many instances seriously depleted the Beaver, as their usual practice has been to kill every beaver in each colony... instead of leaving a certain number which is the Indian practice” (quoted in Morantz 2002, 141). Their indiscriminate trapping driven by profit motives rather than subsistence needs or mutual reciprocity led to over-hunting and depletion of animals resourced as well as the forced displacement of Indigenous hunters from their hunting grounds. Morantz accordingly describes as late 1920s and early 30s as “one of the bleakest times for the Crees in much of James Bay” (142).

### **The Cree Responses to the Crisis**

Destitute social conditions in the region only worsened and severely undermined the Cree's

ability to subsist independently of material support provided by the HBC. The lack of fur animals, the rising fur prices, and general economic hardships created by the Great Depression and two world wars also forced the company to reorganize its operations through various cost-cutting measures (Ray 1990, 226). However, since the company depended entirely on Indigenous labour for fur supplies in the eastern James Bay, it continued to provide the Cree hunters with essential goods as relief, gifts, and credit (226). They nonetheless maintained the mutual obligation between the post managers and the hunters regardless of their ability to yield furs in return. However, as economic circumstances continued to deteriorate and the company faced various competitive markets such as labour, furs, and merchandise, it was increasingly unwilling to provide relief to the hunters and more inclined to cut back the relief and curtail the use of credit to reduce bad-debt losses (227). This led to the increasing involvement of the Canadian state in the relief effort through the Department of the Indian Affairs in the 1940s (ibid).

Employment opportunities in northern Quebec were scarce aside from a few that were maintained by the HBC. The group hardest hit by starvation was the Cree in the coastal area who were dependent on the material support from the trading posts for their survival. As a result, they were forced to adopt their own coping strategies. According to Morantz, some Coasters moved close to inland posts as the prices of goods were cheaper there and they could acquire additional credit as their debt at Rupert House became too big (Morantz 2002, 125). Some of them even took part in what she calls the “back to the land movement” by joining the Inlanders to work their land and taking over land left vacant. Others migrated southward to La Sarre or Amos, Quebec where they might have combined a trapping life with any waged employment they could find, possibly at the sawmills in La Sarre (125). Finally, there was a group of Coasters who migrated to Moose Factory, some of whose descendants include today's MoCreebec (125).

### **From Mobility to Sedentarism: The Creation of Reserves and Settlements**

This period of migration in the late 1930s and early 1940s was followed by a period in which the Cree gradually became a more sedentary as they started to settle permanently in reserves and villages. Here the difference between Quebec and Ontario also becomes apparent. As noted above, reserves in Ontario were created as a result of Treaty Nine and considered federal Crown land held in trust for the Cree and Ojibwe. However, until 1975 reserves in Quebec were legislatively established by Canada without any treaties or land claims. *The Quebec Lands and Forests Act* of 1922 nonetheless permitted the use of not more than 330, 000 acres for use as reserves (178). Nine reserves including three in James Bay were created. The three Cree reserves of Eastmain, Mistissini, and Waswanipi were set aside in 1962 following a land transfer from the provincial government to the federal government (Morantz 2002, 178). However, these reserves existed alongside five other settlements that were gradually formed around trading posts throughout the fur trade, but had no recognized claim to their ancestral lands (178). Like reserves in Ontario, the Department of Indian Affairs organized these settlements as “administrative bands” by 1971 and people were subsequently registered as members of each band with elected chiefs and band councils (Salisbury 1986, 16).

The creation of reserves and administrative bands in both provinces generally indicates the change in Cree social organization from a mobile to a more sedentary way of life. Most of the reserves in Ontario were established by the late 1940s and around the same time more Eastern Cree in Quebec started to reside in settlements year around with the establishment of schools and medical facilities as well as family allowances for children attending school, old age pension, and subsidized housing units (Salisbury 1986, 9).

Long’s account indicates that the housing program in Moose Factory was far more extensive

than in the villages in eastern James Bay. Indian Affairs constructed a large regional hospital there in 1945 and concurrently instituted an intensive housing program to settle the Moose Cree in order to remove them from the path of hydroelectric developments on the Mattagami and Abitibi rivers (Long 2010, 230). On the contrary, in 1971, about half of the population in eastern James Bay settlements lived in newly constructed building of standard design. The rest lived in temporary structures such as teepees or tents in the forest built around a log or canvas structure (Salisbury 1986, 5). Morantz's account generally suggests that, despite the presence of Indian Affairs and other government agencies in the eastern James Bay from the early Twentieth Century on, such agencies were not effective in providing adequate services to the Cree communities, as the Cree were often caught in the bureaucratic quagmire among these agencies, one of the basic tenets of bureaucratic colonialism (Morantz 2002, 8-9).

This discrepancy in state service provision between Quebec and Ontario shaped the experience of the Coasters who moved to Moose Factory in the 1940s and 1950s in search of employment and to receive medical services at the regional hospital. The descendants of these migrants presently comprise a portion of the MoCreebec community. Since they had neither reserve land nor treaty rights in Ontario, they did not have any housing program provided to them by the federal government. They subsequently congregated in one area of the island, which was later called "Tent City," and lived in temporary structures such as tents and shacks until the 1990s while their Moose Cree neighbours increasingly lived in houses since 1945. In other words, this division between two communities became a microcosm of the broader regional dynamics of uneven development in the James Bay region.

As I will show in the next chapter, the creation of the Moose Cree reserve and the subsequent division of the island into reserve and off-reserve lands became a political fault line that separated

members of the First Nation from residents of the Tent City who would later call themselves MoCreebec. It is likely that the political division on the island was formalized through the creation of the Moose Cree reserve. Brandon, a MoCreebec Elder, recounted his experience of being hired as a part of the surveying team by Indian Affairs with seven other people from both communities. They were taken to a part of the island and asked to cut a line there. After they finished their task while not knowing why they were asked to draw the line, an Indian agent told them: “Thanks boys. You just created a reserve.” However, the difference that demarcated Moose Cree and MoCreebec communities goes beyond a mere line on the sand. It is deeply historical as the former saw themselves as the legitimate heirs of their ancestral lands as the signatories of Treaty Nine, while the latter were seen as outsiders or squatters on the land due to their lack of status as a community recognized under the *Indian Act*.

### **Conclusion**

This chapter has provided a historical overview of the creation of MoCreebec identity as a product of jurisdictional divisions that were imposed on the Cree by the Canadian state. This division was reinforced by Canada and Ontario, as they deliberately excluded the Cree and Ojibwe of Quebec from Treaty Nine, as well as by Quebec, which disregarded Aboriginal rights of the Cree within its jurisdiction. This was followed by a period of rapid modernization in southern James Bay while the Cree in the northeast remained isolated as they suffered periodic starvation and increasing loss of autonomy. The unevenness of development in James Bay led some Eastern Cree to migrate to Moose Factory in search of employment opportunities and services, and to settle there permanently. These factors combined indicate that the collective identity of MoCreebec people is a product of the broader historical process of social transformation in the region.



## **Chapter Three:**

### **Fragmented Homeland: Colonialism, Territoriality, and the Politics of Recognition**

#### **Introduction**

This chapter will theoretically contextualize the historical experience of MoCreebec as a product of bureaucratic colonialism. Particularly, it will highlight the ways in which territory became the criterion of recognition by which identity claims of Indigenous Peoples can be validated by the state, while those who reside outside the boundaries of a designated territory are not recognized as a legitimate community. As a result, Indigenous Peoples who live off-reserve are often marginalized as their mobility is not recognized as part of their identity.

In the first section of this chapter, I will discuss Toby Morantz's definition of bureaucratic colonialism as a particular form of colonialism that took shape in James Bay. I will argue that that bureaucratic colonialism not only engenders differences among the colonizers as Morantz argues, but also among the colonized.

In the second section, I will draw on Fredrick Barth's theory of cultural differences as a product of social organization and the bureaucracy. Barth argues that seemingly innate cultural characteristics of these groups derive from their conscious effort to differentiate themselves from others through ascription and self-ascription. However, he later argues that the imposition of territorial boundaries by nation-states has also disrupted these societies in favour of a more sedentary way of life. It created new identities that did not previously exist such as refugees and asylum seekers whose identity claims are often unrecognized (or invisible as James Scott puts it) by the state bureaucracy.

In the third section, I will refer to James Waldram's work on *ethno-status distinctions*, as well as Paul Nadasdy's use of *ethno-territorial distinctions*, to highlight how the Canadian state bureaucracy produces differences within and among Indigenous communities through the imposition of legal and territorial boundaries. Such differences often override cultural, linguistic, and kinship ties.

In the fourth section, I will highlight the ways in which this imposition of boundaries make some Indigenous Peoples visible to the state, while others are rendered illegible. I argue that the state's propensity to recognize certain types of collectivity over others is supported ideologically by what Glen Coulthard calls *the politics of recognition* as the defining framework of the Indigenous-State relations in contemporary Canada. By drawing on other theorists such as Melissa S. Williams, Franz Fanon, Chris Andersen and Claude Denis, and Regna Darnell, I will address the ways in which state recognition of Indigenous self-determination has limited its expression to territorial terms by privileging land base as the locus of recognition. In doing so, the state effectively denied the mobility of Indigenous Peoples and their rights across territorial boundaries. This territorialization of autonomy has tied the concept of Indigenous nationhood to a contiguous territory and subsequently marginalized Indigenous Peoples living in the cities, off-reserve, or outside of the designated boundaries. The MoCreebec experience also demonstrates, however, that this lack of recognition is not merely symbolic. It often limits the distribution of rights and benefits afforded to those who reside outside of the boundaries. I will conclude the chapter with case studies in which Indigenous Peoples across Canada experience similar dynamics of exclusion and marginalization.

## **Bureaucratic Colonialism**

Anthropologist Toby Morantz argues that a study of colonialism in other countries cannot simply be transposed to Canada (Morantz 2002, 5-7). According to Morantz, most of the literature on colonialism in Canada has focused primarily on its southerly regions where the state expropriated Indigenous lands for resource development and settlement earlier than in regions such as Eastern James Bay, where the Cree remained more isolated and relatively autonomous until the 1970s. In order to properly understand the workings of colonialism in Canada, the uniqueness of local conditions must be taken into consideration. She argues that, compared to colonialism in southern Canada, characteristics of which were primarily settler and missionary, the agent of colonialism in northern Canada was the state.

Similarly, anthropologist Harvey Feit argues that transformation of the Cree society is a product of the state intervention in the 1940s. Feit's position is in response to Robert F. Murphy and Julian H. Steward's thesis, which posited that the Cree became dependent on the global economy and effectively acculturated much earlier through their engagement in the fur trade (Feit 1982, 378-389). Feit argues instead that the Canadian state's bureaucratic intervention through governmental programs and administration following the decimation of the beaver population and the resultant economic crisis was much more damaging to the Cree's autonomy than their participation in the fur trade (390: See Chapter Two).

While Feit's analysis of state colonialism focuses on the ways in which the Canadian state's bureaucracy increased the Cree's dependency on non-Indigenous institutions, Morantz's highlights the characteristics of the bureaucracy itself and the uniqueness of its mechanism in James Bay. Building on Jean and John Comaroff's definition of state colonialism, which entailed the indirect rule of colonized territory and people through the limitation of chiefly authority, Morantz

sees the state colonialism in James Bay as a refinement of the Comaroffs' model (Morantz 2002, 7). She terms this model as *bureaucratic colonialism*, "a more insidious form of colonialism" than other models, and characterizes governance as the primary means by which the Canadian state exercises control over the Cree (8).

According to Morantz, bureaucratic colonialism is distinguished from other types of colonialism by the presence of multiple colonizers existing in plurality of forms instead of one perceived colonizer existing in a singular form (Morantz 2002, 8). As a result, colonialism is fraught with contradictions and differences among its executors. This often resulted in a haphazard approach to social engineering and placed obstacles in the path of the Cree communities due to the lack of articulation among government agencies, departments, and jurisdictions. This lack of articulation contributed to the government's ineptness and frugality, which kept the Cree in a state of limbo and deprived them of the resources to develop in the ways they wanted. Morantz focuses specifically on the ways in which both federal and provincial governments refused to take responsibility for the plight of Crees and pointed fingers at one another.

For a federal government that is supposed to have a fiduciary responsibility to Indian peoples in Canada, their only role seemed to maintain the status quo. Where provinces stepped on the rights of Indians, the federal government demurred; in the case of hunting and fishing rights it left to the Hudson Bay Company to fight it out with the Quebec government. The Crees, for their part, did not challenge. Perhaps they were grateful for whatever help they received in a period when they were struggling to stay alive. This statement underlies another distinction of colonialism as we understand it today. The form it takes in each setting is shaped as much by the political, social, and ideological contests among the colonizers as by the encounter with the colonized (9).

According to Morantz, the lack of articulation among the government bureaucracies and their ineffectiveness, combined with their paternalistic attitudes towards the Cree, led to the Cree's disempowerment and underdevelopment. While Morantz describes bureaucratic colonialism as a type of colonialism unique to James Bay, she frames bureaucracy as the general characteristic of

colonialism in Canada as it “describes perfectly the Canadian history of Indian-white relations” (8). It is also an ideal framework for understanding the history of the MoCreebec people as their very identity is a product of “bureaucratic quagmire” (as Jon described) among the Canadian government, the province of Quebec, and the Grand Council of the Crees (Eeyou Istchee) that left them unserved and necessitated them to organize themselves without any government assistance.

However, the MoCreebec experience also demonstrates that bureaucratic colonialism characterizes divisions and contradictions not only among the colonizers, but also the colonized as jurisdictional divisions within the Canadian state led to divisions within and among Indigenous communities. These divisions are in part created by the Canadian state’s tendency to prioritize the claims of certain Indigenous communities over others. In particular, legal and territorial boundaries carved out through the treaty-making process became the criteria of recognition that determined who are considered as a legitimate Aboriginal community. This process led to the creation of collective identities that did not exist prior to negotiation with the Canadian state for treaties.

While the Eastern Cree and the Moose Cree are often understood as two culturally and linguistically distinct groups, some of the Eastern Cree have transferred from their bands in Quebec to Moose Cree First Nation for a variety of reasons (see Chapter Five). Their transference is largely due to Moose Cree First Nation’s federally recognized status as a band under the *Indian Act* with its own land base. In the next section, I will argue that this process is similar to Frederik Barth’s view of cultural difference as a product of social organization and the imposition of territorial boundaries by the state (Barth 1998).

### **Barth’s Theory of Group Identities**

Through the development of anthropology as a discipline and the ascendancy of Boasian anthropology, many anthropologists and other social scientists had come to accept the idea that cultures

exist as discrete units and the uniqueness of each can be understood as characteristics inherent to each culture. Frederik Barth challenges this. He argues that ethnic or national groupings are a product of social organization and a conscious effort of each group to differentiate themselves from others in spite of their mobility, geographical proximity, and material interdependence that render their distinctiveness seemingly untenable.

Barth argues that what are often considered as cultural differences are a product of boundaries the groups draw themselves based on the cultural standards that they use to judge and evaluate the actions of ethnic co-members (Barth 1998, 6). According to Barth, these boundaries are maintained through the social process of inclusion and exclusion whereby distinctiveness of each group is maintained in spite of the changing participation and members in the course of an individual life history and their frequent interactions (10). For Barth, ethnic identity is above and beyond cultural differences. It is a matter of self-ascription and ascription by others in which these differences are organized through interactions, not by the analyst's own construction of "culture" (6). In short, Barth describes this process as self-facilitated by the groups in formation. He further explores the voluntary nature of group formation in his study of ecological relations among ethnic groups in Swat, North Pakistan. He develops the concept of ecological "niche" to explain the ways in which different ethnic groups secure their resources by drawing symbolic boundaries, above and beyond what is made possible by natural circumstances (Barth 2008, 181). However, in neither of these studies does he address the role of the state in engendering such differences.

In his later essay *Boundaries and Connections*, Barth takes the state into consideration by specifically differentiating ethnic boundaries from territorial boundaries and describing them as two entirely different cognitive understandings of boundaries (Barth 2000, 17). While he characterizes

territorial boundaries exclusively as a property of the state and its bureaucratic institution, he describes ethnic boundaries as derivative of social bonds and relationships that often extend beyond the boundaries set out by the state (18-20, 29-30). By drawing this distinction, he goes beyond his earlier claim that mobility does not necessarily compromise group identity and argues that mobility is a necessary aspect of some group identities. According to Barth, it is not always possible to understand differences among ethnic groups on territorial terms as they do not rely on rigid and clearly demarcated boundaries to differentiate themselves from others (18-19).

As an example, Barth refers to the Baktaman in New Guinea who constructed their identity through a shared sense of place and the collective labour on their shifting taro gardens by a group of people who choose to team up (Barth 2000, 18). The gardens were differentiated from the forest by a distinct category of words and taboos instead of relying on clearly demarcated boundaries (18). While place was an important aspect of their subsistence practices and associated with social identities, Barth argues that their territoriality and social grouping were not distinguished by fixed boundaries (ibid). Similarly, for the Baseri in Persia, their nomadic way of life shapes their understanding of territory in terms of *movement* rather than a field with demarcated plots (19). According to Barth, however, having no territorial boundaries does not imply that the Baseri were disorganized or scattered. The Baseri held elaborate and clearly defined grazing rights, which were conceptualized not as bounded territories, but as a migration schedule called *il-rah* i.e tribal roads (ibid). Each of them was composed of rights of pasture and of passage during particular time periods, which Barth compares to train schedules to highlight the fact that the Baseri do not own a particular plot of land, but the ‘right’ to be certain places at certain times (19).

Barth describes the examples of the Baktaman and the Baseri and the ways in which they conceptualize lands and places as distinct cognitive cultural images that shape their ethnicity and “a

prototypical realm for the non-bureaucratic drawing of boundaries to define social groups” (Barth 2000, 30). He counterposes this model to territorial boundaries, which he describes as the foundational premise of a modern state and its bureaucratic tool to impose the uniform definition of territories on other societies (29). Unlike social boundaries defined by bonds and relationships, territorial boundaries are defined by “a social organization of clients by entitlement vs. exclusion,” the bureaucratic criteria for entitlement to rights and benefits that operate strictly on bounded administrative categories (29).

Geographer Robert Sack similarly describes territory as a particular kind of place produced through an assertion of power over a geographical area. According to Sack, the acts of mapping and marking themselves do not create a territory. Territory is created only when its boundaries are used to affect behaviour by controlling access to resources and power (Sack 1986, 19).

In his book *Seeing Like A State: How Certain Schemes to Improve the Human Condition Have Failed*, anthropologist James Scott also identifies the nation-state’s propensity to see “people who moved around” as the principal obstacle to effective governance (Scott 1998, 1). As a result, the process of *sedentarization*, an effort to settle such people into permanent locations, is deeply tied to the state’s attempt to render a society legible and transform it into a format that is more convenient for its administrative purposes such as the distribution of welfare and surveillance (3). Through this process, unregulated or unauthorized movement across boundaries becomes aberrant and illegible.

While Barth agrees with both Sack and Scott that territorial boundaries are often a foreign institution imposed on indigenous societies, he goes further to argue that territorial boundaries are intended not only to separate people and control their movement, while marginalizing those who



do not fit into the bureaucratic criteria, they also produce new social identities that did not previously exist (Barth 2000, 28). By carving out nation-states as bounded spaces, they have produced a whole new social category of international refugees and asylum seekers who are forced to cross boundaries that others have drawn (ibid). The exclusionary process of boundary-making also “reconnects what has been separated” and creates what he calls “affordances,” offering opportunities for “inventive behavioural responses to the imposition of boundaries, and the effects of social positioning” (28). For Barth, boundaries are not only repressive, but also productive.

### **From Ethno-Status to Ethno-Territorial Distinctions**

The establishment of reserves and permanent settlements in northern Canada has also encouraged sedentarism and helped the state to administer Indigenous Peoples more effectively, while excluding and rendering those who reside outside of their boundaries illegible. At the same time, they helped form new ethnic identities. Anthropologist James Waldrum coins the term *ethno-status distinctions* to explain how Indigenous Peoples have internalized administrative categories enacted by the *Indian Act* as the marker of differences, which override their cultural homogeneity and shared kin relationships (Waldrum 1986: 280). According to Waldrum, ethno-status distinctions arbitrarily divide them into Treaty and Status Indians on the one hand, and Non-Status Indians and the Metis on the other. These distinctions often lead to differential distribution of services, the preferred treatment of status residents over non-status residents, and resultant intracommunal conflicts (281). Ethno-status distinctions often align with the geographical division between the off-reserve area and the reserve area of a given community, and are visibly recognizable as one side looks different from the other (288).

While ethno-status distinctions and territorial boundaries do not always overlap, Paul Nadasdy argues that they increasingly became synonymous as many northern First Nations have begun to

assert their identity in territorial terms, and use the language of “us” and “them” to assert their exclusive rights to control the resources within its territorial boundaries (Nadasdy 2012: 506). He subsequently coins the term *ethno-territorial distinctions* to explain the ways in which comprehensive land claim and self-government agreements gave rise to territorially-defined collective identities that override cultural, linguistic, and kinship ties (503). According to Nadasdy, because these agreements are conceived in the language of state sovereignty, they promote the idea that First Nations must be discrete political entities if they were to qualify as governments at all (501-502). Many Indigenous organizations have subsequently internalized the idea that sovereign power must be territorial, and the notion that the world as divided up among mutually exclusive territories separated by linear boundaries (501).

The Inuit of northern Quebec have also expressed their autonomy in territorial terms. The signing of the JBNQA and the administrative structure outlined in the agreement led to the creation of Nunavik, located in the area north of the 55<sup>th</sup> parallel in northwestern Quebec. Like the Cree to their south, through the JBNQA, the Inuit have gained a territory of their own and authority to manage education and economic development within its boundaries, though within the legal limits set by Quebec and Canada. The creation of new administrative boundaries at the regional level led to re-organization of Great Whale River, a multi-ethnic settlement inhabited by both Cree and Inuit, as well as non-Indigenous Anglo-Canadians and Quebecois. According to Donna Patrick, many of the physical features that distinguish the two Indigenous communities in Great Whale River today are a by-product of the JBNQA and its division of Category A lands into two separate municipalities along ethno-linguistic lines: Kuujjuarapik for the Inuit and Whapmagoostui for the Cree (Patrick 2003: 27). The ethno-status difference between the two communities are reflected visibly in the style of the houses built in each community since the agreement was made. While

the Inuit houses are built in the same style as the houses in Inuit communities across Nunavik, with aboveground foundations, water delivered, and sewage picked up by Inuit municipal council workers, the Cree houses resemble those of Cree communities equipped with basements, running water, and sewage systems (27). The JBNQA further altered the social landscape of Great Whale River through the creation of the Inuit community of Umiujaq, located 150km up the coast from Great Whale River. A large proportion of Kuujjuarapik moved to this new settlement when it was established in 1986, substantially reducing the Inuit population of Kuujjuarapik. Finally, the JBNQA led to the creation of two separate school boards (Inuit Kativik School Board and Cree School Board), as well as separate health and social services catering to residents of respective municipalities (ibid). These examples demonstrate the ways in which the creation of new territorial divisions at the regional level could alter physical and social landscape at the local level.

While these divisions do not always lead to conflicts, they have nonetheless created conditions for overlapping territorial claims and resultant intercommunal conflicts. Nadasdy's case study of Yukon First Nations describes the effect of the Umbrella Final Agreement (UFA), which divided the territory into fourteen distinct "traditional territories" administered by respective First Nation governments (Nadasdy 2012: 501). These territories were intended to facilitate traditional land use and ensure equitable distribution of hunting rights to members of each First Nation. However, the drawing of boundaries turned out to be contentious as it led to overlapping territorial claims, and resultant enmity and conflict among communities, fuelling ethno-territorial sentiments.

The state-imposed differences along status and territorial lines still permeate Indigenous communities across Canada. While ethno-status distinctions are not always expressed in territorial terms, legal boundaries often overlap with geographical boundaries that demarcate one part of a community from another. They are often reflected in physical features of respective areas such as

qualities and styles of housing. Moreover, these distinctions are not merely legally sanctioned differences, but also points of contention that often translate into intra- and intercommunal conflicts. While Nadasdy's analysis of ethno-territorial conflicts in Yukon mostly revolved around land use, MoCreebec's experience demonstrates that distribution of beneficiary rights and services could also be a locus of ethno-territorial conflicts, as Section 3.2.7 of the JBNQA required its beneficiaries to reside within its designated boundaries for a prolonged period of time (see Chapter Four). MoCreebec effectively fell through the cracks of ethno-territorial distinctions between Quebec Cree and Moose Cree First Nation, due to their residency in Ontario while they remain affiliated with bands in Quebec. MoCreebec's collective identity is an unintended effect of bureaucratic colonialism predicated on their sedentarization in Moose Factory and exclusion from the JBNQA as well as their lack of recognition as a community under the framework of Treaty 9. Moose Cree First Nation's claim to the entire island of Moose Factory as part of their traditional territory has also made MoCreebec "squatters" on the land they consider as their own (see Chapter Four & Five). At the same time, their collective experience of being excluded from the JBNQA also brought them together and re-connected them with other Eastern Cree in Moosonee and Moose Factory into a single organization. However, despite their effort to organize themselves, their non-recognition by the state remained a significant challenge.

### **The Politics of Recognition and its Territorial Limits**

In this section, I will discuss how recognition as the dominant framework of the Indigenous-state relations limits the ways in which collectivities of Indigenous Peoples can be recognized by the state. State recognition is also at the heart of both ethno-status and ethno-territorial distinctions as these differences are not self-generated as Fredrik Barth once claimed, but are often created and mediated by the state bureaucracy.

According to Yellowknife Dene political scientist Glen Coulthard, the language of “recognition” has been the dominant expression of the Aboriginal policies in Canada since the patriation of the Canadian Constitution in 1982 (Coulthard 2014a, 1). Through such policies, the Canadian state has sought to reconcile Indigenous nationhood with Crown sovereignty and accommodate Indigenous identity claims within its institutional framework (3). These policies often involve the delegation of land, capital, and political power from the state to Indigenous communities, generally through economic development initiatives, settlement of land claims, and self-government agreements (3). Coulthard argues that the emergence of this new politics was in response to three prominent events: the upsurge of Red Power activism in response to the White Paper of 1969, the recognition of Aboriginal title in the Supreme Court of Canada’s 1973 *Calder* decision, and the resistance to large scale development projects in the 1970s including James Bay Cree’s and Inuit’s opposition to hydroelectric development (4-6). These events effectively forced the state to re-conceptualize the tenets of its relationships with Indigenous Peoples (3). As a result, unapologetically assimilationist federal Indian policy prior to 1969 gave way to a more conciliatory vernacular of “mutual recognition” (Coulthard 2014b: 148).

For Coulthard, this seemingly benign gesture on part of the state merely entailed a shift in the mode of colonial governance. The colonial relations of power are no longer reproduced primarily through overt and coercive means, but rather through “the asymmetrical exchange of mediated forms of state recognition and accommodation” (Coulthard 2014b: 15). Similarly, political scientist Melissa S. Williams argues that the state facilitates colonialism more effectively by partially recognizing Indigenous Peoples’ demands and in effect only recognizing what it can accept in its own terms. To make this point, Williams draws on James C. Scott’s concept of legibility. For Scott, the process of rendering the population legible and hence recognizable is far from impartial,

as the state does not fully represent the people it seeks to transform. The state only represents a part of them that it finds interesting and serves its purpose (Scott 1998, 1). Similarly, Williams describes recognition as a policy framework that helps the state to “render subalterns legible by delineating the boundaries of their membership and to render them governable by defining the acceptable limits for the expression of group aspirations and identities” (Williams 2014, 5 & 7). For Williams, state recognition is a one-sided process by which the state determines who are recognizable and who are not.

In reference to the work of anti-colonial psychiatrist and theorist Frantz Fanon, Coulthard suggests further that in contexts where colonial rule is not reproduced through coercive means, the maintenance of asymmetrical power relations relies instead on the voluntary contribution of the colonized to their own domination as “colonized subjects” through specific modes of colonial thought, desire, and behaviour (Coulthard 2014a, 16). In other words, in order for the colonial rule to be successful, the colonized not only have to be rendered legible to the state and thus governable. They are also invited to become the agent of their own governance, but still within the framework of colonial power relations, as the example of the JBNQA shows in its reinforcement of territorial boundaries as the criterion of recognition. By enabling the Cree to police the flow of beneficiary rights across these boundaries, it could be argued that the JBNQA has instituted a micro-state of its own, inviting the Cree to “see like a state.”

The geographical aspect of recognition politics is also highlighted by Paul Nadasdy, who claims that the languages of “property” and “ownership” are fundamental in the process of Aboriginal treaty-making and to the recognition of land claims by the state within its framework of territorial sovereignty (Nadasdy 2002, 247-8; 2012, 501). Nadasdy argues, however, that these

languages cannot adequately translate the complexities that underlie Indigenous Peoples' relationship with their land (Nadasdy 2002, 248). As a result, in order to engage in land claims, Indigenous claimants are forced to translate their cultural beliefs, values, and practices into the terms that are legible to the Euro-Canadian bureaucrats, lawyers, and politicians. However, despite the best efforts of scholars and activists, an attempt at this cultural translation is often "fraught with peril" (Nadasdy 2012, 501). According to Nadasdy, the negotiation and implementation of land claim agreements are effectively an attempt to incorporate Indigenous Peoples' unique relationships to the land into the existing legal and political institutions of the state. He argues further that the very concept of "property" is a cultural construct that only became normalized with the expansion of the Canadian state bureaucracies as Indigenous Peoples did not originally "own" their lands as property or claim territorial sovereignty over them (Nadasdy 2002, 251; Nadasdy 2012, 501).

However, this does not imply that First Nations did not have any social organization in place to distinguish their kin groups from others. For instance, Colin Scott among others indicates that James Bay Cree, despite their highly mobile and flexible social organization, still authorized certain individuals as the hunting leaders (Scott 1988, 37-40). However, their authority over hunting territories was highly contingent upon their ability to hunt and reciprocate with others (including the hunted animals), not on their absolute and exclusive ownership over these territories. The membership of each production unit was also permeable, often incorporating hunters who are primarily or seasonally affiliated with other grounds (29).

While the Cree society had its own sense of territoriality and social boundaries, it was very distinct from that of property ownership in which the authority of individuals over a specific territory

is considered as given and boundaries that divide it from others' are fixed. Scott argues accordingly: "to speak of Cree property, then — even 'communal' property — would be to gloss over the essential dynamic of the system [of Cree social organization]" (Scott 1988, 40). Scott's claim indicates a radical difference between the Cree social organization and ideas of ownership of property as such. He points to the extent to which the imposition of boundaries by the state was disruptive to the Cree social organization.

Within the context of the MoCreebec experience, the reinforcement of boundaries through Section 3.2.7 of the JBNQA denied the mobility of rights and benefits across these boundaries and in effect the mobility of the Cree themselves who live elsewhere. In order for the JBNQA beneficiaries to be recognized as such, they are required to maintain their residency within the designated boundaries. As a result, the MoCreebec members who permanently reside in Ontario are collectively unrecognized as a legitimate Cree community both under the *Indian Act* and the *Cree-Naskapi Act* despite the fact that many of them still maintain their kinship with their relatives in Quebec. In effect, the section is an indicator of the change in how the Cree see their land and themselves. It institutionalized territorial boundaries as the criteria of recognition rather than the principles of co-operation and reciprocity drawn from their flexible social organization.

Anthropologist Regna Darnell problematizes the tendency of social scientists to discount the mobility of Indigenous people by positioning those who live on reserve as more authentic and those who live off-reserve as less so (Darnell 2003, 76). Darnell argues that this view fails to take into account the residential choices of those who continue to define themselves as Indigenous while living away from their supposed home (Darnell 2003, 76). In reality, however, First Nations people themselves have very little difficulty reconciling identity politics and urban residence. Dar-



nell argues that, in order for non-Indigenous social scientists to understand the uniqueness of Indigenous identity claims, they must dispense with two presuppositions. First, they must assume that “Indians do not cease to be Indians when they leave the reserve, whether temporarily or permanently, in their own eyes or in those of family and community members who remain on the reserve” (78-79). As Barth points out above, mobility and migration do not necessarily compromise group identity (Barth 1998, 6). Similarly, Darnell points out that while it is important to recognize the identity claims of urban and off-reserve Indigenous communities, it is equally important to dissolve the binary distinctions between urban and reserve-based Indigenous Peoples and take into consideration the complexities that underlie their contingent relationship with territories and mobility (Darnell 2003, 78).

Darnell’s second point is particularly relevant to the MoCreebec experience as they are marginalized by virtue of their not strictly urban, but off-reserve residence in Moose Factory. Their history is also complicated by their proximity to a federally recognized reserve, some residents of which perceive MoCreebec as outsiders. As such, the presuppositions Darnell outlines do not merely exist in the minds of social scientists. The tendency to discount the mobility of Indigenous Peoples exists as concrete policies that reproduce colonial power relations.

Metis scholars Chris Andersen and Claude Denis term this tendency as the *nation model* in Aboriginal-State relations which situates the “nation” (i.e. Cree Nation) as a federation of individual Aboriginal communities and with a regional organization that represent their interests to the Canadian state with its own territory, jurisdiction, and notions of citizenship. According to Andersen and Denis, this model privileges a certain form of Aboriginal collectivity over others, namely Indigenous communities and organizations situated on defined territories (i.e. reserves and treaty territories) over individuals and communities living off a recognized land base (Andersen and

Denis 2003, 382). As a result, Aboriginal peoples who live off-reserve are often excluded from the negotiation processes for comprehensive land claims and self-government agreements, though this does not apply to more recent agreements like Nisga'a and Nunavut (383). By adapting the territorially bound nation model, the federal and provincial governments in effect brushed under the rug the political and cultural realities of a large number of Indigenous Peoples. Denis and Andersen argue that the nation model, which emerged prior to the release of the final report from Royal Commission of Aboriginal Peoples (RCAP) in 1996, still remains in place despite the Canadian state's partial acquiescence to the Indigenous demands for self-government and the recognition of urban and off-reserve communities expressed in the consultation process for RCAP. As a result, land base remains the locus of recognition in which the demands of Indigenous communities can be accommodated (ibid).

### **The Effects of Bureaucratic Boundaries on Indigenous Peoples in Canada**

Beyond the MoCreebec experience, there are similar cases in which Indigenous communities are divided into ethno-territorial identities, some of which are unrecognized by the Canadian state due to their lack of land base. Bonita Lawrence documents the ways in which Pikwakanagan, the only federally recognized Algonquin reserve in eastern Ontario, negotiated *the Ontario Algonquin Land Claim* and claimed to represent all Algonquins in Ontario (Lawrence 2012, 85). However, the negotiators of Pikwakanagan did not formally involve existing organizations in federally unrecognized Non-Status Algonquin communities in the negotiation process (89). Through their involvement in these organizations, Non-Status Algonquins sought to re-create organic community-based Algonquin identities (2).

The representatives of Pikwakanagan nonetheless proceeded to set up the separate "area committees" in these communities for the purpose of the land claim and have unaffiliated individuals

join the committees despite the existence of strong leadership in these communities (Lawrence 2012, 1). According to Lawrence, the representatives of Pikwakanagan decided to bring in the non-status settlements into the negotiation in order to present a greater number, and foreclose Canada and Ontario's option to stall the negotiation by citing the presence of two separate groups (89). However, since they prioritized political expediency over the real legal difference that separated the Status and Non-Status Algonquins, Pikwakanagan effectively rendered the latter voiceless in the process of negotiation and proceeded to speak on their behalf as it considered itself to be the only legitimate Algonquin organization in Ontario (88). Lawrence argues that this was because Pikwakanagan did not recognize the informal networks of Non-Status Algonquins as having any real connection to their ancestral lands (Lawrence 2012, 92-93). In reality, many of them did maintain the relationship through their traditional land use practices, but because they lacked legally recognized status, they were considered landless (ibid). The case of Non-Status Algonquins in Ontario is an example of bureaucratic colonialism in which divisions within the Canadian state bureaucracy translate into ethno-status distinctions and conflicts among the Algonquins. These distinctions are also expressed in territorial terms as the Canadian state only recognized Pikwakanagan as the only legitimate party in the negotiation for the Ontario Algonquin Land Claim due to its recognized status as a First Nation with a land base while Non-Status Algonquins are seen as illegitimate due to their lack of status as communities and residency off-reserve.

Mi'kmaq of Newfoundland engaged in a similar struggle. Their decades of struggle for recognition began when the Mi'kmaq of Conne River, an isolated community in southern Newfoundland, learned of the *Indian Act* for the first time in the 1970s, and of the fact that their lack of status barred them from accessing federal assistance programs and filing a land claim (Anderson

1983, 11). While the M'ikmaq sought federal recognition, Newfoundland sought to stall the process as it did not want to see the community come under federal jurisdiction, and the province lose access to the area with many potentials for resource development (12). The provincial government also did not take the Mi'kmaq's claim seriously because of the popular myth held by many Newfoundlanders that the only Indigenous group to have ever lived in Newfoundland were the Beothuks who had disappeared by the 19<sup>th</sup> century (Bartels 1991, 43-44). According to this myth, the Mi'kmaq of Newfoundland were originally brought in from Cape Breton by the French authorities in the sixteenth and seventeenth centuries, which placed a bounty for each Beothuk that the Mi'kmaq killed (45). While the myth is scientifically unproven and a roster of historians have found contrary evidences, it worked to de-legitimize the Mi'kmaq's claim and the legal requirement to establish their historical connections to Newfoundland since "time immemorial" (46).

The Mi'kmaq of Conne River were nonetheless able to counter Newfoundland successfully when a provincial government archivist found a record of the negotiations between Newfoundland and Canada that led to the incorporation of Newfound-Labrador in 1949 (Bartels 1991, 48). The document referred unequivocally to an Indian reservation at Conne River, Newfoundland, proving that both Canadian and Newfoundland governments recognized the Mi'kmaq prior to the incorporation of Newfoundland into Canada (ibid). Through this evidence, the Mi'kmaq were able to claim that they have always been in Newfoundland, like MoCreebec claim they have always had ties to Moose Factory, and press their claim for Aboriginal status. The federal government subsequently agreed to register the community as Samiajij Miawpukek Indian Reserve (now Miawpukek First Nation) as under the *Indian Act* in 1987 (Bartels 1991, 48; MFN 2015). However, Mi'kmaq living outside of the reserve were not included in the registration as the federal government only recognized Mi'kmaq that are "resident in designated native communities," even though

many of them claimed the same ancestors as Conne River Mi'ikmaq (QMFNB 2014). The resultant legal battle led to the Agreement-in-Principle (AIP) between Canada and the Federation of Newfoundland Indians, which represented 10,500 Non-Status Newfoundland Mi'ikmaq at the time (ibid).

The agreement was ratified by both parties in 2008, and the enrollment process began for what is to be Qalipu Mi'ikmaq First Nation Band, a landless band recognized under the *Indian Act*. However, an unexpectedly large number of applicants caused backlogs and raised eyebrows of the federal government, which saw the number as unreasonable and suspected that not all applicants are genuine, based on the finding that some applicants no longer reside in the province, and a concern that “taxpayers’ dollars are at stake” (Contenta 2013). Chief Brendan Sheppard echoed this view by saying that “it was neither reasonable nor credible to expect more than 100, 000 applications to be members of the Qalipu band” (ibid). Hector Pierce, one of the unprocessed applicants, explained the government’s reaction as an indicator of a popular misconception in which the applicants are thought of as taking advantage of rights and benefits that stem from their band membership (Contenta 2013). Anthropologist Adrian Tanner traces this view to the concept of landless band as a flawed concept. According to Tanner, an Indigenous community without land is often unfathomable to non-Indigenous Canadians who see it as just another instance of government handout, feeding into anti-Indigenous backlash, although landless bands are legally not exempt from tax breaks like bands with a land base are (ibid). In any case, the Qualipu Band and the federal government did not extend the original AIP and failed to process the outstanding applications before it expired in March 2013 (Contenta 2013). As a result, estimated 70, 000 applications were left unprocessed and put into storage indefinitely (ibid). The enrollment process turned out to be divisive as some members of a given community or family are accepted, while others had to wait

or were not accepted at all (Brake 2011). In response, the unprocessed applicants formed Mi'kmaq First Nations Assembly of Newfoundland (formerly known as Qalipu Watchdogs) to represent and advocate for the remaining Non-Status Mi'kmaq in Newfoundland, signaling a new and hostile political division on the island (MFNAN 2015).

Newfoundland Mi'kmaq's experience is an example in which the *Indian Act* tangibly divides Indigenous communities along ethno-status distinctions that cut across cultural-linguistic and kinship ties. The ways in which the Qalipu Band's membership is limited also offers an interesting comparison to Section 3.2.7 of the JBNQA. While neither JBNQA nor AIP used blood quantum as eligibility criteria, the JBNQA's criteria is strictly territorial and temporal, requiring the members to reside within the JBNQA Settlement Area for six months to reinstate their beneficiary status, whereas the AIP only asked the applicants to prove their ancestry and membership in a Mi'kmaq community prior to the Confederation in 1949 (FNI & Canada 2007). Nonetheless, the question of territory figures centrally in the Mi'kmaq's struggle as the lack of pre-existing and clearly bounded territory made it more difficult for the Qalipu Band to delineate their membership criteria. The band's landlessness have also undermined the applicants' legitimacy in seeking recognition as Status Indians. Despite these ostensible differences, both JBNQA and AIP exemplify the nation model of Indigenous-State relations theorized by Denis and Andersen, the notion that Indigenous communities ought to be situated on defined territories in order to be recognized by the state (Andersen and Denis 2003, 382). .

In his book *Aroland is Our Home: An Incomplete Victory in Applied Anthropology*, Paul Driben highlights the experience of Aroland, an Ojibwe village in Northwestern Ontario that was, at the time of his research, without a legally recognized status as a band. Like McCreebec, the community was originally constituted as a seasonal settlement for trappers trading at a nearby post

during the summer months. The settlement gradually became permanent as the fur trade declined and members of the community started working at a sawmill (Driben 1986, 10). However, the federal government considered it as an unorganized community on Crown land and hence as a community of squatters (10). Their lack of land title exposed the community to the risk of eviction as Ontario's *Public Lands Act* allowed the government to evict the settlement, selling or destroying all of the buildings in the process (12). As the community sought to gain a land title, they faced the challenge of dealing with both the federal and the provincial governments, as many of the community members were Non-Status Indians (17-18). They also learned that, if they become a reserve, Non-Status members of the community would legally become trespassers. While the reserve option received the majority of votes in referendums held in the 1960s and 1974, community leaders felt that the majority was too small in both referendums to carry any weight in subsequent negotiations with Ontario and Canada. Driben argues that the fact the voters did not vote along status lines attests to their preference of community solidarity to division (18).

In order to avoid the exclusion of Non-Status members, community leaders shifted the focus of the third referendum held in 1977 from reserve status to a type of land tenure preferred by community members to keep different options open (Driben 1986: 128-134). The ballot was subsequently divided between the option of independent and dependent tenure. The former option carried by landslide, and community leaders subsequently proceeded to present their case to the Ontario government in the hope that they could achieve whatever independent tenure possible. The Ministry of Natural Resource offered to sell them 4,000 acres of land at the assessed price of \$160,000 (Driben 1986, 143). The community was reportedly angered not only by the price, which they could not afford at the time, but also by the fact they were forced to purchase land they already considered as their own. The negotiation was subsequently discontinued. However, the

passage of Bill C-31 in 1985 enabled Non-Status members of the community to apply for reinstatement and the Aroland Indian Association eventually gained recognition as a band and reserve status (Morrison 1987, 151). The community is presently known as Aroland First Nation and a part of Nishinabe-Aski Nation.

The case of Aroland is similar to that of MoCreebec as in both of these cases Indigenous Peoples are seen as squatters on the territory they consider as their homeland by virtue of the fact that it is not officially recognized as such. The ethno-status distinctions created by the *Indian Act* also created a situation in which recognition of rights of some would lead to non-recognition of others'. Unlike MoCreebec, however, Aroland takes the path of gaining recognition through the *Indian Act* while MoCreebec seek recognition within the JBNQA and the *Cree-Naskapi Act*. However, what makes MoCreebec's experience particularly different from that of Non-Status Mi'kmaq and Algonquins, as well as Aroland's, is that MoCreebec's plight largely concerns the place of residency, while most MoCreebec members are Status Indians registered with bands in the JBNQA territory. As MoCreebec reside permanently outside of the territory and are not recognized as a band under the *Indian Act*, the Canadian state does not recognize them *collectively* as a community.

The creation of provincial and territorial boundaries has also reinforced ethno-territorial distinctions, and particularly complicated matters for Indigenous communities whose treaty rights are not recognized by the Canadian state beyond given territorial limits. For instance, the federal government has recently imposed a ban on resource development on several parcels of Crown land in Nunavut to resolve a conflict between Nunavut Inuit and First Nations in Saskatchewan and Manitoba (CBC 2013). This ban is an outcome of a decade-old land claim negotiation initiated by the Manitoba Denesuline and the Athabaska Denesuline in Saskatchewan over subsurface rights



within Nunavut, as the Dene claim that *Nunavut Land Claims Agreement* did not recognize their Aboriginal rights (ibid).

The Saskatchewan Denesuline also challenged the federal government's claim that their treaty rights do not extend beyond the Saskatchewan-N.W.T border (*Indian Claims Commission* 1993). Canada argued that the Denesuline surrendered all of their Aboriginal rights north of the 60th parallel when they signed adhesions to Treaty Eight and Ten in 1899 and 1907. However, the Denesuline maintained that they continue to have the right to hunt, fish, and trap in all of their traditional territories, which includes lands in NWT/Nunavut. They argued further that the federal government's blanket denial of the existence of treaty rights in NWT/Nunavut constitutes a non-fulfillment of the terms of these treaties. They subsequently appealed to the Indian Claims Commission to conduct an inquiry into their claims. The commission agreed to do so in January of 1993 and concluded subsequently that the Indians of the Athabasca region have the right to fish, hunt, and trap in the area. However, Canada again denied the existence of such rights in August 1994 and the issue remains unresolved to this day (*SICC*, n.d.).

The 60th parallel has caused similar problems for the Chipewyan people who lived on both sides of the parallel that divide Alberta and the Northwest Territories. They were constituted as a band (the Chippewyan Band at Fort Smith and Fort Fitzgerald) as a result of their adhesion into Treaty 8 in 1899 (Taillon 2002). The Alberta-NWT border was created in 1905 and the chief of the band at the time requested the federal government to survey the reserves for them in selected locations on both sides of the border. However, their request reportedly conflicted with the federal government's plan to create Wood Buffalo National Park in northeastern Alberta and southern Northwest Territories in 1922. While the government set aside 10.83 acres within the Smith's Landing settlement in Fort Fitzgerald, Alberta, the treaty promises remained largely unfulfilled for

the Chippewayan Band. After twenty-five years of negotiation with the federal government on the basis that the government was not fulfilling the promises made in the treaty, they finally obtained federally recognized reserve lands in 2000 under the governance of Smith's Landing First Nation with its band office in Fort Smith, N.W.T and total of ten reserves located on both sides of the border. The film *Honour of the Crown* documents the negotiation process that was continuously delayed for reasons unaccountable to the community and complicated by the involvement of the province and third parties that also had economic interests in the region (*National Film Board of Canada* 2001). The First Nation's flag today signifies a tobacco pipe crossing the Slave River, which separates Alberta and Northwest Territories. The Smith's Landing experience is an example of Indigenous communities having to go through a lengthy process of negotiation to gain recognition of their treaty rights due to transboundary issues.

While each of the cases discussed above is unique, all of them concern bureaucratic boundaries and the ways in which they divide Indigenous Peoples. Some of these cases demonstrate how territorial boundaries determine which Indigenous groups are legally recognized and considered legitimate, while others are unrecognized and considered illegitimate, not only by the Canadian state, but also by people who share the same cultural and linguistic traits, as well as kinship ties with them. Other cases show how territorial boundaries render rights and benefits outlined in treaties and land claims unportable and unrecognizable outside them. The experiences of Ontario Algonquins, Mi'ikmaq of Newfoundland, and Aroland fall into the former category. In all three cases, the Status and Non-Status distinction figures centrally in their non-recognition by the Canadian state. In comparison, most of the MoCreebec members are Status Indians registered with bands in Quebec, and their marginalization derives from their residency outside of the JBNQA territory rather than ethno-status distinctions. However, the ways in which their difference from

other Cree communities is marked geographically is similar to the experiences of Ontario Algonquins and Mi'ikmaq of Newfoundland whose marginalization as Non-Status Indians is tied to their off-reserve residency. The case of Aroland is similar to MoCreebec in how their land title was unrecognized by the Canadian state and they were subsequently seen as squatters on the land they considered as their own. The difference between Status and Non-Status residents threatened to divide the community, but they collectively elected to seek solutions that do not exclude the Non-Status residents. Luckily, the passage of Bill C-31 in 1985 allowed Aroland to collectively pursue recognition under the *Indian Act* and gain land title as a First Nation.

The experiences of Saskatchewan Denesuline and Smith's Landing First Nation are similar to the MoCreebec experience as the Canadian state does not recognize their treaty rights north of the 60<sup>th</sup> parallel, just like MoCreebec's beneficiary rights are not recognized outside the JBNQA territory. However, while the case of Saskatchewan Denesuline remains unresolved to this day, Smith's Landing First Nation successfully gained cross-border recognition of their treaty rights which is what MoCreebec is also seeking. Still, the transboundary nature of SLFN's claim and the fact that the claimants were initially members of a First Nation in the NWT (Salt River First Nation) that was pursuing a comprehensive claim negotiation significantly delayed its resolution. What differentiates the experience of SFLN from MoCreebec's is that the former sought a solution within the *Indian Act*. On the contrary, MoCreebec's goal is recognition within the JBNQA and the *Cree-Naskapi Act*, an agreement which accompanied the JBNQA and effectively replaced the *Indian Act*. Since both of these agreements are signed by Canada, Quebec, and the Grand Council of the Cree, any amendment to the agreement requires the consent of all of the three parties. As I will show in the following chapters, the lack of recognition as the legitimate beneficiaries of the JBNQA had broader implications for MoCreebec beyond the practical issue of their

ability to access the agreement's benefits. Their lack of status in Ontario also made them outsiders on the land they consider as their own.

### **Conclusion**

This chapter has theoretically contextualized the MoCreebec experience. First, I looked at how Toby Morantz's theory of bureaucratic colonialism characterized divisions within the state bureaucracies that led to their ineptness and frugality towards the colonized Cree population. I argued, however, that bureaucratic colonialism not only engenders differences among the colonizers, but also the colonized. In order to elucidate this point, I referred to Frederik Barth's theory of ethnic boundaries, which sees cultural difference as a product of an ethnic group's conscious effort to differentiate themselves from others. While Barth initially theorized this process a spontaneous and self-generated process, he later considers the role of the state bureaucracy in imposing territorial boundaries as the criteria of inclusion and exclusion. In Canada, this bureaucratic imposition of boundaries on Indigenous Peoples led to ethno-status and ethno-territorial distinctions as termed by James Waldrum and Paul Nadasdy. These distinctions also created a situation in which certain groups become legible to the state others who do not meet its criteria are rendered illegible. I then identified similar dynamics in Indigenous-State relations in Canada where the state recognizes the demands of Indigenous Peoples only within its own acceptable framework, what Glen Coulthard characterizes as the politics of recognition, also theorized by Melissa S. Williams as an one way process in which the state determines who are recognizable and who are not. I argued that the criteria of recognition are often determined territorially through what Chris Andersen and Claude Denis call the nation model of Indigenous-State relations in which the claims of Indigenous communities are only recognized within fixed territorial boundaries and the mobility of In-

digenous Peoples and their rights is denied, as theorized by Regna Darnell. I concluded the chapter with case studies from ethnographic literature and other relevant literatures that demonstrate the relevance of this theory as well as their differences and similarities with the MoCreebec case.

## **Chapter Four:**

### **“Don’t Forget the Agreement”: The History of MoCreebec People**

#### **Introduction**

This chapter will focus on the history of MoCreebec in Moose Factory, Ontario prior to and following the signing of the *James Bay and Northern Quebec Agreement* (JBNQA) in 1975. As pointed out in the previous chapters, MoCreebec’s residency in Ontario effectively rendered the community unrecognized by the Canadian state. It left them in what Jon described as a “bureaucratic quagmire” in which no governmental bodies are willing to take responsibility for their plight. I will first outline the history and content of the agreement and briefly outline Section 3.2.7 of the agreement, also known as the “ten year clause,” which marginalized MoCreebec based on their residency outside of the agreement’s designated boundaries. From then on, I will chronologically trace the personal histories of MoCreebec members, the social and political contexts that led to the founding of the MoCreebec organization in 1980. I will weave these personal histories into MoCreebec’s collective history up to the 2000s when its members decided to take all three parties of the agreement to court due to the lack of progress in their diplomatic effort to achieve recognition.

#### **The James Bay and Northern Quebec Agreement**

The *James Bay and Northern Quebec Agreement* signed in 1975 was a product of the Cree’s opposition to the hydroelectric development that the Quebec government unilaterally imposed on them with no prior consultation. The agreement represented a victory for the Cree as it forced significant concessions from the Canadian state. It also set precedents for the Indigenous-State relations in Canada for decades to come. It is the first comprehensive land claim in Canada signed

between the Canadian state and Aboriginal people who did not sign treaties, which became a model for other agreements signed in the following decades such as *the Nisga'a Final Agreement* and *the Nunavut Land Claim Agreement*. The agreement is accompanied by its corresponding legislation, the *Cree-Naskapi Act*, which is the first Aboriginal self-government legislation in Canada and the result of Section Nine of the JBNQA that obliged the federal government to create an act that grants local governments to Cree and Naskapi bands. On January 3rd, 1984 the act became law and effectively replaced the *Indian Act* with the exception that the latter is still used to determine which of the Cree and Naskapi beneficiaries are “Indians” (Isaac 1989, 23).

Through this agreement, the Cree gained an increased control over their territory through self-government and participation in economic development while implementing various social programs as well as conservation and co-management schemes to maintain traditional land use practices. Individual band councils were federated into the Grand Council of the Crees (Eeyou Istchee) as a regional government and the Cree Regional Authority as its administrative counterpart. Richard Salisbury argues that the agreement transformed a village-band society, which comprised scattered settlements with very little coordination, into a regional society with modern infrastructure (Salisbury 1986, 7). The implementation of the agreement also decentralized regional development through the creation of new corporate entities and bureaucratic arrangements such as the Cree Regional Authority to administer rights and benefits secured in negotiations (Feit and Scott 2004, 248). Salisbury saw the creation of these new structures as one of the successes of the agreement since they enabled the Cree to negotiate with Quebec and Canada on an equal basis, and balance the social cost and benefits of development through negotiation (ibid).

The agreement also established a new land regime that recognizes the Cree’s jurisdictional

claim and accommodates it within the legal framework of the Canadian state. This new regime divided the lands into three categories. Category I lands are where villages are located and set aside exclusively for the Indigenous communities that are signatories to the agreement, subdivided into Categories IA under federal jurisdiction and IB under that of Quebec. Category II lands are usually located around the villages and come under provincial jurisdiction with a co-management scheme for hunting, fishing, and trapping and the development of outfitting operations with the participation of the Indigenous signatories. Category III lands are the Crown lands of Quebec where the Cree reserve certain rights under the agreement such as the exclusive rights to harvest certain aquatic species and fur-bearing animals. This land tenure was intended to ensure that the Cree are able to continue their traditional subsistence practices without interference and that development activities that take place on their land benefit the Cree first. However, Quebec did not live up to this promise when it decided to build the Great Whale River hydroelectric project in 1986 and the Cree were once again forced to mobilize opposition with the support of environmentalists and NGOs. The Cree successfully defeated the project as Premier Jacques Parizeau suspended the project indefinitely in November, 1994. In 2002, the Grand Council and Quebec signed *The New Relationship Agreement*, an agreement to arrange compensation payments for previous development projects, share resource revenue, and jointly manage future mining, forestry, and hydroelectric activities on the Cree territory.

### **Section 3.2.7**

While the JBNQA achieved significant gains for many Cree, it also created an obstacle for others. Section 3.2.7 of the JBNQA effectively limited the distribution of benefits to those who resided within the agreement's designated boundaries in Quebec. The section states:



In the event a person mentioned in paragraphs 3.2.1 to 3.2.6 inclusive of this Sub-Section is absent from the Territory during ten continuous years and is domiciled outside the Territory, such person shall not be entitled to exercise his rights or receive benefits under the Agreement. Upon such person re-establishing his domicile in the territory, the right of such person to exercise his rights or to receive benefits under the Agreement shall revive (JBNQA 1975).

The section has particularly affected the Cree who resided in Moose Factory, Ontario who later constituted themselves as MoCreebec. The MoCreebec people could not receive benefits as they no longer resided in the JBNQA territory despite the fact that some of them have lived in Moose Factory for their entire lives. The section required them to reside in the territory for at least six months, often with their relatives, in order to fulfill this requirement. Many of them were unaware of the section's existence or even the existence of the agreement at the time of its making until the early 1980s due to their lack of recognition as a community of beneficiaries. In the following section, I will highlight the life histories of MoCreebec members by extensively using ethnographic data and chronologically trace the development of the organization during the last three decades of the Twentieth Century.

### **Migration and Life in Tent City: Moose Factory before MoCreebec**

Many members of MoCreebec originally came to Moose Factory either to seek employment opportunities or receive medical attention from the general hospital. Jon arrived in Moose Factory from Waskaganish by canoe in August of 1959 after a month of travelling with his parents and little brother. Jon's parents sent him and his little brother Joe to the Residential School while they continued hunting. The siblings did not see their parents until the following summer when the school broke and their parents came out of the bush. They spent their summer together until September when their parents went back to the bush and the siblings went back to school.

In order to compensate for the declining viability of the hunting lifestyle and to stay closer to

her children, Jon's mother decided to get a part-time job for the summer as a cleaner at the general hospital to replace someone who was on vacation leave at the time. It was her first wage employment. Despite her inability to speak English, her employers were impressed with her performance. They decided to hire her on a full-time basis at the hospital, where she worked for the next twenty-five years. According to Jon, she was the only source of income for the family:

So she was really the breadwinner. My mom for the first fifteen years that we were here. And then my dad would get a job off and on. But we were very poor when we first came here, like we just came off the land. We didn't have anything. And I know in initial years, we didn't know where our next meal would come from. My dad and mom, and even us kids, did what we can to make a little bit of money however we can. And that's how we managed to pool all of our money together and then my dad would go to the store and be able to buy a little bit of groceries. That's how we survived though initial years. And like I said, my mom getting that job then we became little bit more of permanent residents.

Jon's account indicates the way in which Moose Factory became a home for his family.

However, this turn of the events was unexpected for Jon as he remembers: "You know, while we were going to school here, I think the idea was that we would eventually return. Back to Waskaganish of the Quebec side. But the things didn't work out that way." Jon's account indicates not only the unexpectedness of his family's settlement on the island, but also the general shift in the Cree way of life toward wage labour and permanent settlement.

Mary also arrived in Moose Factory (from Wemindji) in 1959, when her father fell ill and needed to get medical attention at the general hospital while she attended the Residential School:

I already had a sister and her husband was living here so we moved in with them and the rest is history I guess (laugh). We just never went back, because my dad was in the hospital for three years and he had two operations within that time. So we stayed here and because he was instructed to stay close to a hospital, so that's why.

Mary's use of the term "the rest is history" also suggests the unexpectedness of her settlement in Moose Factory as well as her acceptance of it.

All of the migrants from Quebec including Jon and Mary congregated in one area of the island

owned by Anglican Church at the time, which is remembered today as the “Tent City.” According to Jon, there were as many as twenty to thirty families living in tents at points at one point. Some of them were only there for summer, while others were there year around. For Jon, life at the Tent City was not very different from the life he was used to at the time:

We didn't think much of it like anything unusual. That was our lifestyle like being nomads or nomadic. That was OK. I mean, we know we can pitch a camp up here and move a couple weeks later to another spot and pitch a camp. It was almost like a tent or tipi. That was our lifestyle, you know? But the only time we found it strange was down at the other end of the village where people were living in houses. But again when I was in Waskaganish, I think there weren't that many houses. My grandmother had a house and we stayed with her sometimes. Just a short period of time. So I never thought of it as being strange. It was something that I was kinda used to. It was only after time that when it became obvious that we were going to stay here year around.

Both Jon and Mary initially thought that their residency on the island was meant to be temporary and expected an eventual return to the coastal village communities. However, as it became evident that they were going to reside there permanently and they realized that their neighbours were living in different conditions, the lifestyle they were used to gradually became strange to them.

Jon also traces the creation of the Tent City to the Cree culture's indifference to the concept of property:

Probably that (Tent City) happened not so much just because of the nomadic lifestyle. I guess the other thing is they never saw the need for getting a property, right? I mean you camped anywhere you wanted to. That's our history, that's our heritage. Camp anywhere, just use the land, and that way no one ever told us we have to own a piece of property. Whenever we wanted to pitch up a tent. So they pitched up their tents here and there, and because they knew each other, because they have their common language and common history, and basically the people who lived off the land so they tended to congregate in that one area what was later called Tent City because there was a whole bunch of tents.

According to Jon, the creation of the Tent City was consistent with the Cree way of life as long as long it was meant to be temporary.

The change in Jon's perception of his own community was also prompted by the fact that he spent most of his time away from the community between 1963 and 1979. For the fourth year of

his Residential School, he was transferred to the Mohawk Institute in Brantford, Ontario where he spent his next four years except in his second year. However, he managed to stay out of the school one summer in Moose Factory until October. He was reluctant to go back due to the distance and the foreign environment he was placed in as well as altercations with the Mohawk children, who likely perceived him and other Cree children as outsiders. He reluctantly went back to Brantford as the local Anglican minister in Moose Factory convinced him to do so and finish the last two years of his time there.

Living in a foreign environment and formal lodging likely developed his consciousness of the plight of his home community in Moose Factory. He remembers when he was back home for summer during his senior years of high school:

We come home during the summer time and we tell my mom and dad: "We are tired of living in tents. Can we try to build a little house?" So my mom and I guess dad too, to try to do best they could for their children, my dad says to my mom: "If you can get the material, I can build the house." (laugh) So somehow for \$3000 they were able to get enough material to build that. I think that was about 20x20 maybe, a little house. My dad along with somebody helping him. They managed to build that. So at least we had a little house. And a lot better than a tent.

For Jon, this change meant a significant improvement from the substandard living conditions of the Tent City. However, these houses were still without central heating, water, and sewage. Like the cabin Jon's parents built, many of these tents were also overcrowded. According to Mary, there were as many as eighteen people living in one tent.

### **Intracommunal Conflicts and Territorial Politics in Moose Factory**

Deteriorating living conditions likely contributed to various social problems in the Tent City. Alcoholism was reportedly rampant among the Tent City residents. When asked about what the Tent City was like, Brandon commented: "There was too much drinking and partying," and jokingly added: "You should have been there." Mary also recounted instances of binge drinking

and alcohol-induced fights among the Tent City residents by contrasting her life in Wemindji and Moose Factory:

When we lived in Quebec, it was completely different from the situation here. So I knew what it was like to live in peace and harmony with one another. And that I knew there was another way of life rather than the way people were carrying on in drinking and fighting brawls and things like that, you know? And hurting each other. So I wanted that to change for my life and that was always my goal that I would not go that pathway.

In Quebec in winter months, we lived in the bush, eh? For ten out of twelve months? And in the community we only lived there for two months that we were there and the larger population would be gathered. It was different in a sense because even though there was drinking there, people were not beating each other up and trying to hurt each other in those ways as the way it was here. Whereas here, it was like every weekend thing and over there it was just once in a while when there was a wedding or a dance or something like that. Maybe there was only a few, but not the whole community. Whereas here, it seemed like the whole community was doing it. So that situation was not appealing to me, you know?

For Mary, attending the residential school was a way to escape from the chronic alcoholism and violence that plagued her community even though her experience there was not necessarily a pleasant one.

The intracommunal violence within Tent City was also accompanied by an intercommunal conflict between Tent City residents and members of Moose Cree First Nation. According to one of the interviewees, there was a clear territorial division between “way down” as the reserve portion of the island is still referred to today and “way up” as the Crown land portion of the island is referred to. Not only has this division been marked legally by a jurisdictional boundary that separates the reserve from the off-reserve land, it has also become internalized by the residents of the island as part of their geographical imagination, symbolically represented as two directions.

Shelly similarly recounts her experience of this geographic dynamic on the island:

When I was growing up, there was no sense of MoCreebec at that point as an entity or organization. But the island was known as "way up" and "way down." Way down was where the reserve is and way up is over here where we are living. And there were federal government, provincial government, Métis people, and the people from Quebec. So we all lived in this part of the island that was known as way up. So I was

a way up person which is different from way down person. So for those reasons people didn't seem to like us, but then we never interacted much so I think it was a situation where people didn't know each other, but knew that one lived in this area and one lived in that area. But I also think that because my mother was not a Status Indian until she married my dad, we had a sense of community with people who would be considered Non-Status or Métis. So hanging out with those people, those kids, and a lot of us were part of the Anglican Church so I went to church every Sunday. And we had a sense of community with our church.

Because my grandfather had been a minister of the church, there was a regard for my grandmother even though my grandfather had passed away. I remember when he passed away because the other minister that was here came to our house early in the morning, he knocked on the door, and my mom cried so I knew something had happened and then I was able to pick up that my grandfather had died. So I might have been five years old or something like that. So I don't think I could say racism so much as... I mean it's part of it, it's internalized racism, but it's also the divide between this part of the island and that part of the island and everybody sort of ramped together. And I remember I was always friends with white kids 'cuz white kids and us who lived on this part of the island were harassed or teased or beaten up by these other kids. So I would always kind of feel sorry for the white kids. And they were in the minority. Plus my parents were friends with their parents often. But we were happy living on this part of the island 'cuz we had our own little world.

Shelly's account illustrates the peculiar geographical representation of the island characterized the division between the "way up" and "way down" and corresponding divisions that separate one group of residents from others. At times, this division was expressed violently as territorial feuds. One interlocutor remembers how this conflict played out:

It's such a small community, such a small island, but it's really divided the "way up" and "way down." It's like you are from this side of tracks and that side of tracks like as they say in the cities, you know? It's really uh...even as an adult, I moved to a house down on the reserve. And I really felt it. I felt like a different energy, different environment almost. And as growing up, I know my family was very violent. They fought a lot with 'way down' families. Like it was crazy. People got shot and people got stabbed, people attacked each other with...you know, my aunt shared a story with me that they came, a truck load of people came from 'way down' to my grandparents' house and they had chains and all kinds of stuff and, you know, those are the things that my family did, the way up/'way down fighting, it was really bad.

Q: What was the cause of fighting?

A: I think my family and the other family really didn't like each other and I don't know why. I mean I was too young to know, but it was really, really bad. I mean you don't hear about it today, these kinds of crazy fighting with whips and chains and guns, but I would say almost every one of my family members, my dad's side, has

either been shot or stabbed.

Q: Do you think it had to do with substances?

A: Probably, they were all drinking and doing drugs and...I don't know why they fought with this one family so intensely, but...those are the stories I hear of, you know, what happened when I was a kid. I mean life is different now compared to that. I couldn't imagine why kids are fighting with guns and knives.

Though the details of the conflict are unknown, the interlocutor's account illustrates the ways in which this geographical division was internalized by residents of the island. The children from both communities also enacted this territorial division.

Dan, a younger MoCreebec member, recounts his childhood memory of being stuck between the two hostile camps of this dispute:

There was a little area when I was growing up there was a lot of fights going off. They were just school fights pretty much though, like you had 'rez kids' we call, you know? And I lived in between TC (Tent City) Drive there where they used to have tents here. And we had 'TC kids' and us. We were kind of in-between there, you know what I mean? There was a kind of rivalry going on. I remember being chased on a few times by 'rez kids' from the rez. And then I used to be scared of walking through Tent City Drive there sometimes because kids there will come and chase us too, you know? It's kind of like a little, like a little...

Q: Territorial?

A: Yeah, territorial, you know what I mean? But it eventually stopped though after few years, because it used to be that way back in the day there. My dad was telling me there used to be a lot of fights there because of the little indifference and stuff like that. But I experienced this for a while, but after that it stopped.

Such conflicts were not merely interpersonal disputes motivated by childish innocence or fueled by alcohol consumption, but an expression of broader political dynamics of Moose Factory and the James Bay region at large. These expressions of territorial politics are consistent with the ways in which MoCreebec are seen as landless squatters by the Moose Cree.

The violent altercations seem to have subsided over time as the Tent City residents started to organize themselves as MoCreebec and implemented a housing program to leave the tents and

shacks behind. However, this transition was not an easy process. Some residents used their family network to transfer their band membership to Moose Cree in the late 1960s as some of their relatives were already members of the band at the time. According to Jon, however, this was a reluctant decision on the part of the band council as some of the councilors opposed it. After the group of families was accepted, the band council placed a moratorium on the further acceptance of Tent City residents into the band until the mid-1980s when they lifted the moratorium. This left the Tent City residents with no other options but to organize themselves.

Jon and other community members decided to take action when trailer units at the Canadian military's Pinetree radar base, located in Moosonee, became available after the base's closure in 1975 and were distributed for housing to everyone but the Tent City residents. Jon recounts that out of six units that became available, two units went to members of Moose Cree First Nation, two went to Moosonee, and the remaining two to those living in the off-reserve area of Moose Factory, but did not live in the Tent City. The only people who were bypassed were the Tent City residents:

Q: So everyone else got to move in?

A: Yeah, and the very people that needed units, they weren't included.

Q: Because they were not...

A: Because they were perceived as outsiders. The unfortunate thing there. So they didn't get any units. I think there is only family that managed to get in there. But they took the initiative themselves to approach one of the Metis leaders to tell them that they like to get a unit and they managed to get one. But the people in the Tent City area there was nobody to speak up for them. So they didn't get any units.

The exclusion of the Tent City residents from this housing distribution served as a wake-up call for community leaders to start searching for solutions.

Jon returned to Moose Factory in 1979. Upon his return, he became a government employee. Although he was still living at the Tent City at the time, he managed to purchase a shell of a



building from his co-worker and additional materials to build into a house. This was when Jon officially left the Tent City. He still remembers the moment:

And I remember the day I walked out of the Tent City. You know I was somewhat feeling proud of myself? I was thinking: "Well, I'm finally moving out of the Tent City". You know? No road there, nothing there, whatsoever. So when I walked out to the Centre Road, I thought to myself: "I'll take one final look." And I turn around take my final look and you know, kind of feeling proud, moving out of here, and I looked around and I saw the people living there in tents. That did something to me. I just felt something telling me: "I want you to do something about this. I want you to do something about helping these people." That voice was so real to me. The way I responded was: "Well, I'll do what I can." I don't know what I could do. I'll do what I can. And you know, the voice was compelling: "I want you to do something about the social conditions with these people". That's how I responded to it: "I'll do what I can."

This experience prompted Jon to take a proactive role in addressing material conditions of his community. He made a series of inquiries with the Department of Indian Affairs and provincial officials from both Quebec and Ontario as well as legal experts to find out what possible paths the community could take. The DIA recommended that he look into the *James Bay and Northern Quebec Agreement* (JBNQA), the final agreement of which he was unaware at the time. Jon initiated MoCreebec's relationship with government bodies and paved the way for the foundation of its organization.

### **The Birth of MoCreebec**

The *Denault Report*, commissioned in 1981, counted the number of Eastern Cree living in Moose Factory and Moosonee at 600 (DIAND 1983, 11). Of this number, 408 of them were from Waskaganish, 126 from Wemindji, 44 from Eastmain, one from Chisasibi, and 21 from Nemaska. 75% of them resided in Moose Factory and 25% in Moosonee. The report also points out that, prior to the signing of the JBNQA, there were approximately 190 Eastern Crees who had transferred from their Quebec bands to Moose Cree First Nation and resided on the Moose Cree reserve (12). As of November 1981 twenty of them were registered as the JBNQA beneficiaries.

However, Moose Cree First Nation had not accepted any more Eastern Crees by transfer, citing socio-economic concerns such as competition for available lands and resources. According to Alexandra Macqueen, at the time of her research in 1992, there were close to 1000 JBNQA beneficiaries living in Moose Factory, roughly 10% of the total number of the JBNQA beneficiaries (Macqueen 1992, 56).

To follow up the DIA's recommendation, MoCreebec leadership wrote a letter to Billy Diamond, then Grand Chief of the Grand Council of the Crees, for an explanation of the final agreement and its ramifications for the beneficiaries living in Moosonee and Moose Factory. The Grand Council agreed to convene a General Meeting in Moose Factory in February 1980 for the beneficiaries and sent representatives to explain the agreement and answer questions from the floor. According to Jon, the meeting was well attended by a roomful of people from both Moosonee and Moose Factory as well as six representatives from the JBNQA territory including Diamond and chiefs from Wemindji, Eastmain, and Waskaganish.

MoCreebec representatives were wary of the possibility of the meeting becoming a mere formality on the part of the Grand Council representatives with no substantial outcome for the beneficiaries in Moose Factory. One remembers talking to his colleague at the DIA who was also a beneficiary and co-organizer of the meeting: "I think when they come, we should make sure it's just not going to be a meeting and they are gone. We should see if they would commit to something to maintain the relations with the people here." The minutes of the meeting clearly indicate the frustration the attendees felt with being left out of the agreement and the general lack of information available to them:

Allan Jolly: The recent developments in Quebec, in Eastern James Bay created an interest among us. We are frustrated and we want assurance that we are not forgotten as Status Indians and in the James Bay Agreement.

Billy Diamond: First, I would like to explain what has happened in Quebec. If you listen first then we will save a lot of time.

Allan Jolly: We want to ask you what has come out of the negotiations over the Hydro Project. We left the East Coast before these developments but now we want to know what we can get out of these developments. We do not want to be forgotten. We want to know what has gone on, on the East Coast. I ask all these here to listen to what these will say as it is important (MoCreebec Association 1993, 1).

In spite of the subtle tension between the two parties indicated in Chief Diamond's response, the Grand Council representatives proceeded to explain the making of the agreement in a chronological order as well as the outcomes of the agreement such as governance structures, social programs, distribution of resource revenues, and other economic development initiatives, as well as the membership criteria. Questions from the attendees, conversely, indicate that the beneficiaries had very little understanding of the agreement and the legal matters related to it such as the difference between the *Indian Act* and the *Cree-Naskapi Act*.

Chief Diamond indicated that there were two representatives of the Grand Council regularly visiting Moose Factory to inform its residents about the agreement (a practice that was subsequently discontinued due to budget cuts). However, John Long suggests that this consultation prior to the negotiation of the JBNQA apparently entailed the representatives asking the residents to touch the pen and authorize them to negotiate (Long 2011, 812-83). As far as the existing record suggests, the General Meeting in February 1980 (nearly five years after the agreement was made) was the first opportunity where the beneficiaries in Moosonee and Moose Factory could collectively ask questions and express concerns. It suggests accordingly that there was a very little communication between the Grand Council and its beneficiaries in Moosonee and Moose Factory during the negotiation and its implementation.

At the end of the meeting, Jon and other attendees of the meeting proposed to set up a provisional committee within the Grand Council operating locally in Moose Factory to initiate the

community organization. This sequence is, however, is undocumented in the minutes. As one of the interlocutors recounts:

And at that meeting I said to them: "We would like to set up a committee," you know, with some resources from the Grand Council to keep the communication, relations with the Grand Council and the people here. But they didn't say: "OK, well, do it." They just said: "Well, OK, we'll recommend that you do it." Then right at that meeting we just called for motions on people to establish a committee, you know, for the people here that will represent them. And so we got the committee approved. We had nominations right from the floor. There were about nine people that were nominated to be part of that committee and I was part of the main guys. Then the next day we met with the Grand Council again and convinced them that they should put resources into it, like financial resources to maintain an office. A coordinator and secretary. So they agreed to that. So they gave us \$100,000 a year. And they funded us for five years. So that was a beginning of MoCreebec.

The Grand Council's indirect response suggests the former's reluctance to take responsibility in the MoCreebec situation.

This series of meetings were also the first time when the term "MoCreebec" was used to refer to both the committee and the community at large. The General Meeting therefore became the founding meeting of the MoCreebec organization as it exists today. Their newly founded collective identity is clearly affirmed in the petition to then Minister of Indian Affairs John Munro drafted at the membership meeting six months later in September 19<sup>th</sup> 1980.

We, the underprivileged people of MoCreebec declare and thereby resolve and attest that a resolution No. 80-8-19 was made in a properly called meeting between the MoCreebec Committee and the registered beneficiaries of the *James Bay and Northern Quebec Agreement*: of August 49, 1980 at the Parish Hall in Moose Factory, Ontario.

We, the people of MoCreebec who were present do hereby resolve; a motion that was made by [...], seconded by [...], that the Grand Council of the Crees (of Quebec) consult with the MoCreebec membership in the negotiation of the Cree/Naskapi Act and/or halt further negotiations until such consultation takes place and petition the Minister of Indian Affairs, John Munro (MoCreebec Association 1982).

This statement was drafted as part of a series of general meetings the MoCreebec Committee held to identify the community's primary concerns and discuss ways to solve them.

While the most pertinent issue of concern was identified as housing, they came to a consensus

that social problems they face are a product of the political and legal issues arising from the JBNQA and Section 3.2.7:

So as we began to have meetings, general meetings with the people then we realized that we not only have serious housing problem, you know, we may have serious questions about our political issues, legal issue in terms of our status, and now we have the JBNQA, a new agreement that we don't know very much about. And so from the general meetings, people basically said: "Well, we can't only be concerned about housing. We have to be concerned about everything else." You know, everything that is impacting us as residents of Ontario and even now with respect to the JBNQA. So that's how the whole thing started and evolved with the MoCreebec. And as I read and understand about the JBNQA, there were certain things in there that we didn't like very much. Especially what we call today the Section 3.2.7, the ten year clause. We didn't even know that was in there. If we would have known that, we would have been consulted, and we would have said 'no'. You know we don't agree with that. But somehow that got in there, but we were never consulted. So that's been the issue all along in part. There was no free, prior, and informed consent.

This quote indicates that shift in the organization's focus from addressing the immediate concerns of the MoCreebec community to identifying the larger political issues.

Since the initial meeting, the committee continued to meet with representatives from the Grand Council and the Department of Indian Affairs and consulted legal opinions to work out how the MoCreebec people could be included in the JBNQA. As a result of their lobbying effort, the Department of Indian Affairs agreed to conduct an internal review of the MoCreebec situation in March, 1983 and publish a report with a list of recommendations. However, the outcome of this review, referred to as the *Denault Report* and conducted by a team of representatives from the department with Jacque Denault as a chair, was not what the community expected. The report recommended that the JBNQA and the *Cree-Naskapi Act* should not be used or changed to accommodate the demands of the MoCreebec people and recommended that they instead become a federally recognized First Nation with a negotiated land base under the *Indian Act* (Denault 1983). The report further recommended that the federal payment of Treaty Nine annuities be extended to the MoCreebec people. The report concludes with a recommendation that the

Department should fund a community consultation to discuss the recommendations and inform the community of various approaches and options available. However, in the community consultation process accordingly conducted in 1987, the MoCreebec members unanimously rejected Indian Affairs' recommendations. This consultation process was a seminal event for the MoCreebec community as it clarified their will and the direction their leadership would take in the following decades.

### **Consult '87**

The final report of the consultation process titled "*We Have Always Been Here*": *Self-Determination for the MoCreebec* contains the detailed description of how the consultation process unfolded (MoCreebec Committee 1987). The process involved the administration of a questionnaire to MoCreebec members and a day-long workshop attended by a hundred people. The questionnaire focused specifically on issues such as the ramifications for the community's loss of beneficiary status, the problem of maintaining the MoCreebec culture and language, and the possibility of establishing a MoCreebec land base. The consultation resulted in a list of fifty-six recommendations.

The report claims that, despite financial constraints and logistical problems with data collection:

The high participation rate of MoCreebec members in the Consult process indicates that the MoCreebec people are both aware of their collective plight and are intent upon participating in gaining control over their future. The Consult process and this document represent further steps toward the goals of achieving self-government and a land base for the MoCreebec community (MoCreebec Association 1987, 13).

According to the report, the participants indicated that there are three primary categories in which their concerns with the JBNQA fall: the failure to involve them politically at the time of the signing of the agreement; the loss of their beneficiary status after ten years; and their inability to

derive full benefits from the agreement. The participants particularly expressed their frustration with the lack of consultation prior to the signing of the agreement and the lack of information available to them. They also expressed their sense of having been abandoned by all parties to the agreement, and their inability to participate meaningfully in the JBNQA self-governing institutions.

The participants proposed a variety of solutions such as entering into a negotiation for an amendment of the JBNQA (Section 3.2.7 in particular) or a compensation package exclusive of the JBNQA. Others proposed solutions within the framework of the *Indian Act*, moving back to Quebec, and taking a court action against some or all of the JBNQA signatories for failing to include MoCreebec in the agreement. The participants also expressed their fear about the difficulty of attaining an independent community status due to their being members of multiple bands who would be unwilling to have their membership decrease through their members transferring into an independent MoCreebec community. The report also identifies the resentment from some members of Moose Cree First Nation toward the proposed creation of the MoCreebec land base on the territory MoCreebec consider as their own. Combining these factors, the report concludes that there are no obvious solutions to the problems posed by the JBNQA.

Nevertheless, the report clarifies that the issues confronting the MoCreebec community are not limited to legal or economic issues and that they are faced with the much broader problem of their survival as a distinct group. The report states:

What the MoCreebec people would like, most fundamentally, is the freedom to live as Cree people with a distinct language, culture and set of traditions in the Moosonee-Moose Factory area which they consider their home. Yet for the MoCreebec, the dominance of non-aboriginal culture has been so complete and so prolonged that many MoCreebec members have lost pride in their Cree culture and language. [...] The pace of change is so rapid that both youth and elders are becoming alienated from one another. [...] For the youth, the rich Cree culture has been subsumed in the noise of the south. Yet, attempting to live in another culture, one which is essentially foreign, is not easy or comfortable:

many youth mask their problems in alcohol and drug abuse, shamed of their origins and their elders (MoCreebec Association 1987, 46).

The fear of cultural loss and assimilation to the dominant culture is common among many Indigenous communities. However, the unique circumstance of the MoCreebec people as a group of Eastern Cree living in Moosonee and Moose Factory distinguishes their experience not only from the non-Cree society, but also from that of their Moose Cree neighbours.

In order to explain this cultural loss, the report points to the lack of the state recognition, which prevented the community from developing a positive community identity.

Instead, their identity has most often been constructed negatively, by reference to what is not: The MoCreebec are East Coast Cree outside of Quebec, living in Ontario but not “Ontario Indians” under Treaty No. 9, and are outside the realm of official recognition. Importantly, the Consult '87 process represents one step beyond these negative identities and towards the construction of a positive MoCreebec identity (MoCreebec Association 1987, 47).

This statement indicates the community's collective consciousness and awareness of how they are perceived by the legal system of the Canadian state. While solutions to these problems remained uncertain at the time of the consultation, there was a strong sentiment among the participants that they had been left out of the agreement they felt they were legitimately part of, and that the outcome of *Denault Report* was less than satisfactory. The frustrations expressed at the consultation process accordingly shaped the organization's direction.

Jon particularly remembers comments that elders of the community made at one of the meetings:

So we wanted to make sure that the review would be in reference to our relationship to the JBNQA. And as we met with our people here, one of the things they told us, which really was a political statement on their part. The older people. They told us: "Don't forget the agreement." Because in the end, the DIA, in their recommendations, that's their thing. They (DIA) told us: "Forget about the agreement."

Q: Yeah, just get a reserve.



A: Yeah, just get a reserve. But the people told us: "Don't forget the agreement". So we always approached that, you know, the dual nature of our problem. We were Status Indians without land base. And then we were affected by the first modern land claims agreement in Canada. So we tried our best to convince the federal government that: "Well, you have to deal with it in that dual nature fashion." We wanted land base, we were prepared to consider the idea of land base, but we wanted it done in the context of the JBNQA.

The elders' categorical imperative has remained the position of MoCreebec leadership since then.

### **Failed Diplomacy**

With findings of the consultation in hand, the committee approached then Minister of Indian Affairs David Crombie and asked him to commission another report. Crombie agreed and appointed Tony Price to conduct the review and come up with a new set of recommendations. While the report, referred to as *the Price Report*, does not explicitly call for the inclusion of the MoCreebec people in the JBNQA or rule out the *Indian Act* option, it recognizes the "inherently inequitable and unsatisfactory nature" of their circumstance and recommends that a variety of recommendations to be considered to accommodate their demands (Price 1986).

A MoCreebec representative took Price's recommendations to the Grand Council's Annual General Meetings every summer since 1981 on behalf of the committee to demand that Section 3.2.7 be taken out of the agreement or that MoCreebec people be exempted from the clause. However, MoCreebec's effort did not yield tangible results. Their appeals to the Grand Council only led to symbolic resolutions that did not result in concrete actions and thus the agreement did not change in significant ways to accommodate the demands of the MoCreebec people. The Grand Council later defended their reluctance to modify the agreement by arguing that the agreement could not be modified without the consent of the federal government and the province of Quebec, which are also party to the agreement. Meanwhile, the federal government argued that it was the Cree who had wanted the clause included in the agreement (GCCQ-EI 2006, 32). The Grand

Council's general stance at this time was that the MoCreebec leadership should have taken Denault's recommendations. He was also informed by an executive director of the Grand Council recently that the Grand Council did not have enough resources to deal with the MoCreebec situation at the time. Despite the Grand Council's disappointing responses, the committee continued to seek political solutions by lobbying the Grand Council.

Although their effort was unfruitful, the MoCreebec leadership maintained their diplomatic relationship with the Grand Council. However, the MoCreebec people were yet again excluded from the *New Relationship Agreement* signed in February 2002 between Quebec, Canada, and the Grand Council, which includes compensation for development, revenue sharing, and joint management by the Cree and the Quebec government. Fueling the community's anger, the Grand Council of the Crees/Cree Regional Authority election of 2002 proceeded without a ballot box in Moosonee or Moose Factory. In an article published in *the Nation* in October 2005, then chief of the Grand Council Bill Namagoose is cited as saying that the MoCreebec Council should have been diligent enough to ensure they could vote (Bonspiel 2005). In response, Randy told the journalist that they had done just that. He had contacted the Chief Electoral Officer, but they never got a response (ibid). This series of events led to another General Meeting in Moose Factory with the attendance of the MoCreebec membership and representatives from the Grand Council. The recorded proceedings of this meeting are very similar to those of the General Meeting in 1980. The attendees expressed their frustration over the lack of consultation and information available to the membership as well as the fact that they were not consulted until after the agreement was made.

Frustrated with the lack of progress in their relationship with the Grand Council and with the unwillingness of the Grand Council's leadership to take substantive action on Section 3.2.7, the

MoCreebec membership decided to take their grievance to court immediately after this meeting in February, 2002. With the approval of the membership, the MoCreebec Council launched a legal action against all JBNQA parties (Canada, Quebec, and the Grand Council) to seek the Supreme Court of Quebec's "declaratory judgment" that Section 3.2.7 is discriminatory. According to the interlocutors I spoke to in regards to this topic, the legal challenge was not about money and they did not ask for any financial compensation. Rather, they wanted the Canadian legal system to recognize Section 3.2.7 discriminates against the MoCreebec people. They specifically argued that the section violates Section 15 of *the Canadian Charter of Rights and Freedoms*, and their right not be discriminated against on the basis of national or ethnic origin under Section 10 of the *Quebec Charter of Rights and Freedoms* (MCCN 2005; GCC-EI 2015, 20). According to Randy, the legal challenge was "a way to draw attention to the fact that there are people [in Moosonee and Moose Factory] with rights and unresolved issues" (Bonspiel 2005). It was not until after this court challenge was launched that the MoCreebec people were able to vote in the Grand Council/Cree Regional Authority election.

### **Conclusion**

As a result of their exclusion from both the JBNQA and Treaty Nine, the MoCreebec people were left on their own and no government was willing to take responsibility for the improvement of their community. As Jon puts it, they "started to fall between the cracks" of bureaucracy. The federal government argued that MoCreebec are a provincial responsibility as Status Indians living off-reserve, while both the Ontario and Quebec governments argued that they are a federal responsibility since they are Status Indians as set out in the *Indian Act*. MoCreebec's plight is a product of what Jon refers to as a "bureaucratic quagmire," what Toby Morantz outlines as a

contradictory effect of “bureaucratic colonialism” in which governmental bodies and agencies assert domination over and perpetuate dependency of Aboriginal peoples but simultaneously refuse to take responsibility for them (Morantz 2002, 7-10).

Despite the obstacles they faced, within two decades, the MoCreebec people went from being wretched dwellers of Tent City to running a not-for-profit corporation with some of the most successful entrepreneurial initiatives in the region. They also drafted a constitutional framework with the Clan Councils system as an alternative political mechanism that aims to foster the participation of the broader community in its governance. The next chapter will highlight these economic and political strategies in the organization of the MoCreebec community.

**Chapter Five:**  
**Cree Nation Beyond Borders:**  
**Fostering Self-Sufficiency and Envisioning Alternatives in Moose Factory**

**Introduction**

This chapter will outline MoCreebec's community development initiatives to foster economic self-sufficiency and political autonomy. Another principle underlying these projects is MoCreebec's identification with the broader Cree Nation. As such, this chapter will also focus on why it is important for them to retain their symbolic and political connection to the Nation, and on their economic self-sufficiency and political autonomy as integral aspects of MoCreebec's own expression of Cree identity. In particular, I will highlight the experience of MoCreebec members temporarily moving to Quebec where they are perceived as outsiders, while in Moose Factory they face similar reactions from their Moose Cree neighbours. The chapter will conclude with recent updates on the MoCreebec situation.

**Community Development**

Despite the MoCreebec leadership's diplomacy with the Grand Council, their funding from the latter was discontinued in 1987. However, this decision by the Grand Council did not stop MoCreebec from successfully developing localized development projects to support themselves. On February 2<sup>nd</sup>, 1980, the MoCreebec Housing Corporation was incorporated to negotiate directly with Canada Mortgage and Housing Corporation (CMHC) under the Rural and Native Housing Program for the construction of eighty homeowner and rental units in Moose Factory and Moosonee (MCCN 2004). By 2004, 101 CMHC units had been constructed in addition to another hundred units under the social housing program with the Ontario Ministry of Housing. The

MoCreebec Development Corporation was incorporated in May, 1985 to create other small businesses and employment opportunities. In 1997, Moose River Broadcasting Association (MRBA) was incorporated as a community channel with local broadcasting between both Moose Factory and Moosonee.

In 1994, MoCreebec Development Corporation opened the Cree Village Restaurant as another small entrepreneurial project that later became Cree Village Ecolodge in July 2000. This project was initiated to promote ecotourism in Moose Factory and advocate for environmental sustainability, which the late chief Randy Kapashesit saw as consistent with the Cree worldview. The Ecolodge is also intended as an alternative to resource extraction, which is a prevalent form of economic development in the James Bay region that historically has involved little to no community consultation. As a staunch environmentalist grounded in the Cree worldview, Randy wanted something different for his community. This principle was reflected in the initial development of the project. While some outside ecotourism experts were brought in to assist the planning process and construction of the lodge, he reportedly halted the process several times as he felt that the project was moving too fast with very little input from the community.

According to Jon, all of these projects are motivated by MoCreebec's desire to be self-sufficient and stand on their feet in the face of neglect and indifference:

So I guess because, in one sense, our backs are up against the wall. We are not getting funding from anybody. Federal government wouldn't give us any money, because we were Natives that live off reserve. Provincial government necessarily didn't give us any money, because they saw us status Indians under federal responsibility. We are only left with one resource: See what we can do for ourselves.

Despite the hardships they experienced, Jon's account suggests that MoCreebec's need to stand on their own informed the principle of self-sufficiency emphasized in their literature and in the ac-

counts of other MoCreebec members I interviewed. This does not imply, however, that MoCreebec does not receive assistance from any government agencies, as the CHMC is an exception to this. What my interlocutors refer to as self-sufficiency can be better understood as autonomy from government.

Shelly, although she was not directly involved in the MoCreebec organization, remembers a conversation she had with her brother:

I would hear about MoCreebec and I remember thinking: “Is it possible to organize off reserve?” Is it possible to sustain yourself and stand on your own feet because our family has been doing that? And the grandparents, they had lived on the land and built their own house and lived on the land and made that transition in their lifetime. I remember growing up and never thinking about Indian Affairs. I never had a sense that we had to go to Indian Affairs for anything to do with our house or anything to do with our identity and our lives. But I was conscious that there was legislation and I knew about the *Indian Act* and I knew how pervasive and controlling it could be, but I had the sense just from a lot of family discussions that we were not living under the *Indian Act* so by the time MoCreebec starts to formally organize, there was already that understanding from childhood that you don't need anybody to help you organize your community and that you've been doing it for a long time in the bush.

While their experiences are different in many respects, both Jon and Shelly highlight self-sufficiency as an important principle behind the organization of their community. MoCreebec's quest for self-sufficiency has shaped their sense of identity as Cree.

In a document published to commemorate the MoCreebec's twenty-fifth anniversary, Allan Jolly affirms his conviction in reference to the Elders' advice:

Early on in the 1980s, I clearly remember at general community meetings when some of our elderly people spoke up and said: “It is better if people learn to help themselves, rather than expecting to be helped.” At first, I didn't fully grasp what they meant by those words. But in time, I slowly began to understand the wisdom of their words to mean that whatever it is we are going to do, we should continue to strive for self-reliance and economic independence.

Today, I am convinced more than ever, they were right and their words of advice is good. I firmly believe we must encourage our people at all times, both as individuals and as a collective group, to follow this principle in everything we aspire to do. We must adhere to

this in all of our endeavours if we are to regain our sense of true identity and full autonomy as Cree people (MCCN 2005).

Within a period of two decades between the 1980s and the 2000s, the MoCreebec people were no longer the wretched dwellers of the Tent City, but an organized entity and a not-for-profit corporation with various entrepreneurial and community development projects that became a backbone of the local economy.

### **Clan Councils and the MoCreebec Constitutional Framework**

MoCreebec's economic development initiatives were also accompanied by the development of their political organization and governance structure through the MoCreebec Constitutional Framework and what they call the Clan Councils system. The MoCreebec Constitutional Framework was ratified on June 6, 1993. The MoCreebec's twenty-fifth anniversary document states:

Taking the lead in self-government in the region, the MoCreebec Constitutional Framework begins to answer the question "who do we represent," building a committed membership, laying out the purpose and objectives of the MoCreebec community in Moose Factory and Moosonee, while establishing leadership structures true to traditional beliefs and present realities (MCCN 2005).

The guiding principles of the Constitutional Framework reflect this statement.

#### **Part 1**

##### **GUIDING PRINCIPLES**

Recognizing the supremacy and will of the Creator, the people who have chosen the name MoCreebec renew the social contract of Sharing, Kindness, Strength and Honesty which was the basis for the first meeting of Aboriginal and European people.

We reaffirm the aboriginal rights guaranteed by the Canadian Constitution, asserting that these rights also embody a sense of community, equality, a need for independence and self-reliance.

Bound by a shared history and common destiny, with ties both to our origins and to our home today, MoCreebec, as part of the Cree Nation, is empowered with a natural right of governance founded on the values, beliefs, culture, language and collective wisdom of the Cree people (ibid).



The principles outlined in the Constitutional Framework strongly emphasize MoCreebec's collective identity, shared values, as well as Aboriginal rights (as opposed to treaty rights).

What makes the MoCreebec organization distinct is that one's membership in it is by choice rather than through inheritance. Instead of automatically being considered as a member by birth, for an eligible person to become a member, she or he has to first read the Constitutional Framework and then sign the Oath of membership upon their agreement with its principles, as the Constitutional Framework emphasizes that the entire MoCreebec organization is a product of the members' ability to choose their own path.

This emphasis on choice leads to perhaps the most particular aspect of the MoCreebec Constitutional Framework; a governance system based which they call "Clan Councils." According to the Constitutional Framework, the Clan Councils reflect the MoCreebec Council's choice to "empower the natural core of their community, the family" (MCCN 2005). Each extended family within the MoCreebec community is to constitute a Clan Council. The members of each Clan Council are empowered to make decision for themselves at the family level while they are mandated to select their own representative as a delegate to sit as Council member of the MoCreebec Council (MCCN 2014). Youth and Elders Councils are also set up to address concerns of and solicit input from youth and elders as well as to select their representatives to the MoCreebec Council.

Once all of the representatives are selected as the councilors, they will in turn select and appoint a Chief and a Deputy Chief whose political appointments are limited to a three year term. The selection of the designated Chief is ratified at a called General Membership meeting within six months after the Chief being appointed and selected by the MoCreebec Council. The MoCreebec Council is also empowered to select the directors for MoCreebec Development Corporations

(which was called “the Office of Political Economy” at the time of the ratification in 1993) established to coordinate all of the economic activities within the community (ibid).

According to Jon, the Clan Council system is an integral part of the MoCreebec identity as a people who used to work through individual family units for most of the year while they were in the bush:

You can call them family units, because that's what we are essentially talking about, right? When we talk to the people, like when we developed that initially, the question we asked ourselves way back when Randy was here was: "What would be the closest to our true history and identity as people? How do we live?" Like we don't have a real understanding of that. But we knew enough, historically. Yes, it was just my family, just us living in the bush, our way of life. Sometimes we live with extended family members. Maybe two or three families living together. But that was basically the unit, you know, the political, economic, social unit. Everything. Somehow it was governing itself.

In Jon's view, the concept of Clan Councils is consistent with the Cree way of life. This is an interesting point considering that the Cree social organization featured bands rather than clans, which were more specific to the Ojibwe groups, particularly in the south and the Lake Winnipeg Saulteaux in the west (Preston 1981, 195; Rogers and Taylor 1981, 231; Steinberg 1981, 250). For these groups, clans have functioned as a way of organizing kinship relations and religious symbolism in the forms of patrilineal clans and nonresidential totemic clans, rather than a form of political organization and means of democratic decision-making as adopted by MoCreebec. Within northern Ontario, Dunning and Eggan documented instances of clans among the Northern Ojibwe groups, but Dunning concluded that clans were of minimal importance to the overall social organization of the group he was studying and Eggan argued that clans in the north were relatively recent development (Dunning 1959, 79-83; Eggan 1955, 527 cited in Rogers 1981, 27). Skinner states that that one of his Western Cree interlocutors in Fort Albany referred to patrilineal “clans” symbolized by animals, though Honigmann suspects that this was actually not the case (Skinner 1912, 56; Honigmann 1981, 221).

While the concept of clans may have originated from the Southern and Western Ojibwe, Rogers and Taylor point out that, despite the Northern Ojibwe's cultural and linguistic distinctiveness in relation to other groups in the region, frequent movement and intermarriage as well as the diffusion of other Native and European cultural traits, such as the Cree's, have contributed to the blurring of group boundaries (Rogers and Taylor 1981, 231). They also point out that there was an influence of the Iroquois cousin terminology on the Northern Ojibwe's kinship organization in the Nineteenth Century (236). It is reasonable to infer from this that the Ojibwe have similarly influenced the Cree, and MoCreebec's adaptation of the concept of clans is a continuation of this trend, though what they refer to as clans may not exactly look like clans as defined by anthropological literature.

In any case, Clan Councils can be understood as MoCreebec's effort to reconstruct what they consider as their traditional social organization without the economic foundation of the foraging mode of production, and to develop entrepreneurial projects while they constitute themselves as a political community. Through this process, they effectively defied the legally defined convention of what an Aboriginal community should be despite the lack of recognition and financial support. This lack, however, enabled them to experiment with their vision of what real autonomous and self-sufficient community should look like.

Mary connects MoCreebec's existence outside of the legally defined notion of community to the principles of cooperation and self-sufficiency:

I think it's important that we learn to work together and learn to be walking together and at the same time helping our people and making sure they are being taken care of, but also are taking care of themselves. That's important. That we all have a share in it and I think that's what the Constitutional Framework is enabling us to do was to be able to speak for the clans of our individual families, but at the same to work as a collective group as well at the same time, having input to the decisions that need to be made in order for us to work and in order for us to make things happen for our people that are part of the Constitutional Framework.

For Mary, as much as the Clan Councils system represents MoCreebec's heritage as hunters, it also fits into her view of the MoCreebec situation today. She accordingly identifies communication as an integral part of the Clan Council system and organization of the MoCreebec community in a time when the egalitarian organization of the foraging lifestyle no longer guarantees social harmony within the community:

Communication is very important...We are no longer a bush people. We no longer live apart, far away from each other that we cannot communicate. We have other means of communicating with one another and it should be so much better now and yet sometimes it isn't. You know? Whereas before people came together to talk about things and how they deal...even within the community. And when we come to the community, my dad would still be like part of the circle that made decisions for the community itself. You got involved, people got involved, and you knew what was happening within that community. So that's something that we lost along the way too. You know? Not necessarily knowing about everybody what they are doing within their life or whatever. That was very important for people. And I think that's something important we do that again.

In Mary's view, the Clan Council is an avenue where members of the community are able to communicate effectively, discuss how things should run, and learn to work cooperatively.

Despite Mary's optimistic view of the Clan Councils, their implementation has not been without challenges. One of my interlocutors Jane shares her criticism of the process:

I feel like, since Randy's passing, that these people who sit on the council, the Clan Council, these representatives that we elected in our own families, haven't come back to the families. For us, I know our representative hasn't come to us and said: "Let's have a meeting, I wanna let you know what's going on." We don't know what's going on. Nobody is coming back to us and saying: "What do you guys want? What do you guys want to see happening?" And that's what we need. This is our family and let's make decisions together as a family.

Jane's account indicates that there is a certain degree of discrepancy between what the Clan Councils are envisioned as and how they are implemented.

While all of my interlocutors agreed with the principles behind the Clan Councils, nearly two decades after the initial proposal, the project is still in the embryonic stage. However, there have

also been some developments in recent months. According to the minutes of the MoCreebec General Meeting of March 31<sup>st</sup>, 2015, a “Took Kit” has been developed and is available to members in order to assist them in formally instituting the Clan Councils (MCCN 2015, 2). Jean-Pierre Chabot has been appointed as a Senior Development Officer to facilitate clan meetings and mobilize Clan Councils as well as the Elders and Youth Council (2). Aside from the difficulties the Clan Councils face in their implementation, the Clan Councils represent MoCreebec’s desire to constitute their own form of governance as well as the community’s choice to remain independent and reconcile differences within.

Overall, the Constitutional Framework functions as a unifying framework that represents the community’s identity and organizationally distinguishes it from other Aboriginal communities. The Constitutional Framework is further described as representing “the MoCreebec people’s common identity within a Sovereign Cree Nation” and “the Cree people’s adaptability and openness to change for our present and a future well-being, and is meant to evolve with the people” (MCCN 2005). MoCreebec’s identification with the larger Cree Nation is reflected in their change of name from “MoCreebec Committee” to “MoCreebec Council of the Cree Nation.” MoCreebec’s pledge to remain part of the Cree Nation is motivated by their loss of beneficiary rights to the JBNQA and non-recognition as a legitimate Cree community in both Quebec and Moose Factory, where they are often seen as outsiders.

### **The Six-Month Requirement as Displacement**

Section 3.2.7 of the JBNQA forces MoCreebec members to relocate temporarily to their registered communities to obtain funding for their post-secondary education. For this reason, the section has particularly (but not exclusively) affected younger members. As it stands, it still restricts them from receiving financial support from their registered bands. This has created a barrier for the

MoCreebec youth and made it difficult for them to obtain post-secondary education as the six-month residency requirement often disrupts and delays the completion of their university degrees.

Mary describes her own as well as her children's educational experience being hindered by the section:

At one point in my life, I went to take a teaching course and I went to ask for assistance from the Cree School Board. And I couldn't get it because I was living out of territory. And my own children were going into colleges and universities. They weren't able to access the funding either from Quebec as well as all of my children, my two daughters who have gone to university had to pay their own tuition and stuff. And one of them ended up living over there, because she couldn't afford her final year, be working, be pregnant, and being able to afford her tuition all at the same time. She ended up going up there for six months and she finally got funded for her final year in university. And my other daughter ended up having to pay her own tuition right through. And I think both of them are still trying to repay their debts. And my son only managed to get to college because his workplace I think helped him with that and he couldn't afford to go any further even though he would have liked to. So he is still, you know, waiting to be covered by a funding source he can rely on. [...] The people themselves, not so much the government, but our own people in Quebec or the Agreement itself is the one that hinders us from pursuing some of the accesses that we could have for the benefits that people get in Quebec and we don't.

For Mary and her children, the six-month requirement was a hindrance to the completion of their post-secondary education, which also made it difficult for them to sustain themselves financially.

Mary also connects the lack of funding to the failure of Indian Affairs to fulfill the fiduciary obligation Mary feels they had prior to the signing of the JBNQA. She describes the Grand Council as "our own people," as she believes that the MoCreebec people are still part of the agreement.

Similarly, Michael's daughter moved to Eastmain to live with her grandparents for six months to become eligible for funding from the Cree School Board. She is now attending university in Sudbury. According to Michael, August, 2012 marked seven years since she had lived in Eastmain. This implies, however, that she would have to move back there again in 2015 to fulfill the requirement.

## Being “Outsiders”

In addition to a sense of displacement from Moose Factory and material difficulties that Section 3.2.7 posed for the lives of MoCreebec members, those who temporarily move back to the coastal communities often feel a sense of alienation as they are seen as outsiders by the members of these communities. One of my interlocutors recounts his experience of moving to Waskaganish with his wife mainly to reinstate the band's financial support for his post-secondary education in Ontario and to avoid relying on student loans. He does not remember his temporary residence in Waskaganish fondly:

So we did that and funny thing about it is that some of your own people come against you too. I was approached when I moved to Waskaganish. I have a lot of family in Waskaganish. My uncles, aunts, and my grandmother live there. I lived with my grandmother when I was there. I was approached by people. They came to me and I remember specifically this one couple who came to me and says: "Oh the only reason you are here now is to use us for money so you guys can get your free education?" And I said: "Yeah that's why I'm here." I said. I'm entitled to that. You know what I mean? And she just looked at me and it's like "Oh OK." You know? But yeah I find it funny that to have those comments against me. It's like my own people? You know what I mean? Trying to bring you down almost?

This type of unfriendly encounter seems to be a typical experience among other MoCreebec members who move to their registered communities to reinstate their beneficiary status. Another female interlocutor, who has never moved there herself, but has heard from others about their experiences, stated as follows:

Q: Do you have family there?

A: I do. I have family there which is the only reason that I've gone there to visit. My brother also grew up there. And I guess it was him that really drew me to coming there, because I didn't know him and I wanted to know him. So I decided to go visit him and I have few aunts and other relatives up there that I don't really know, but I do know I'm related to a few people there. My mom actually just moved there a couple of years ago. So that's another incentive for me to visit more often (laugh). It's a nice community and people seem nice, but I know I've heard stories such as like, you know, when people try to move there, people have said: "Go back to where you came from, go back to Moose Factory, go back to MoCreebec".

Q: So people have told you that?

A: Not personally, but I've heard the stories of people who have gone there and it's been said to them. I don't if it would be said to me. Probably. I'm not a Cree-speaking person and I'm not from there so they would probably say it to me too (laugh).

While this account is not based on firsthand experience, it demonstrates the perceived sense of being unwelcome in Quebec Cree communities, among MoCreebec people.

The sense of alienation many MoCreebec members experience is not specific to when they are residing in Quebec. They face similar reactions in Moose Factory, which they consider to be their home, from their Moose Cree neighbours. The interlocutor quoted above describes the sense of alienation she feels in Moose Factory. At the same time, she resists the sentiment by identifying strongly with Moose Factory as her home:

When there is Moose Cree events or things happening for the kids and it's for Moose Cree, I feel it for my children, because they can't sign up, they can't register, they can't be part of this program or that program, because they are not Moose Cree, because I'm not Moose Cree. Although I do have family here who are Moose Cree and I would consider switching bands, I would consider switching to Moose Cree, because I mean this is where I live, this is my home, this is where my kids are growing up and maybe it would be more beneficial for me to be here. Say if I decide to go back to school or when my kids go to school, their schooling would be covered, because they live here. We would have to move when they are old enough, you have to move to Quebec, or they would have to move to Quebec so they could get funded to go to school. Discrimination, I feel it, but I don't think I ever had anybody actually tell me: "Well, you are not from here." Because I mean I grew up here, I am from here, I was born here, I was raised here, I raised my children here. So I feel like I am from here. This is my home. I'm just not a band member from here, so...

She does not see her membership in either organization as a relevant factor in choosing where she calls home. Her residence in Moose Factory takes priority, as she is open to switching her membership to Moose Cree First Nation in order to stay there and benefit fully from MCFN programs.

On the other hand, the male interlocutor sees his sense of belonging to Moose Factory as closely tied to his membership in the First Nation. He recounts that he never felt like he is part of



Moose Factory because he was not a member of Moose Cree First Nation but a member of Waskaganish Cree Nation. He expressed his frustration with the ways in which the Waskaganish leadership treated him:

The only time they wanted anything from me was when there was a time to vote. They put every effort to come here and get my vote and stuff like that. But when I wanted their help through education I had to move down there and live there for six months, you know what I mean?

He and his wife, who was registered with the Cree Nation of Eastmain, eventually decided to transfer their membership to Moose Cree First Nation as they did not want their children to experience what they had. He recounts:

So that's what happened to me I guess and...so now I feel a part of something now being with MCFN. Like I feel like: "OK now I belong to..." You know what I mean? To a group of people? And that's why I feel...I feel more secure I guess, you know what I mean? It's like...it's a good feeling for my wife and I, and my children. My children don't really know what's going on yet, but my wife and I were really happy when we got into MCFN.

For him, aside from the material benefits and certainties that their membership in the First Nation promised, being legally recognized as a member of a particular community generates a sense of belonging to the broader collectivity. On the contrary, being seen as an outsider in his own community made him feel homeless.

In other instances, the material benefits are similarly decisive factors for the MoCreebec members in transferring from the Quebec bands to Moose Cree First Nation. For example, Michael's twenty-four year old son decided to transfer in order to obtain support from the harvesters' agreement the First Nation has with its membership, which guarantees support for the hunters and trappers by subsidizing the cost for tools and transportation. Despite the practicality of transferring into the First Nation, it reveals the extent to which state recognition may play an important role in forming individual identities. Michael comments on having to carry multiple cards to prove his authenticity as an Indigenous person.

We are Status Indians, right? I'm an Aboriginal and...supposedly have a status card? And a beneficiary number. So I don't know how many other cards I need to have to prove that I'm an Aboriginal (laugh). But I am one.

Despite his humour, Michael's comment reflects the complex reality in which multiple definitions of their identity are manifested as the conflict between two communities that are divided along legal and jurisdictional lines. While the animosity between them no longer leads to physical violence as was documented in Chapter Four, the conflict still continues under the surface in the form of an exclusionary discourse which de-legitimizes MoCreebec's claim to Moose Factory as their home.

Michael shared his experience of having been asked by a Moose Cree member when he would be going back to Waskaganish:

My home is Moose Factory. That's how it is. When you tell people that, like some...say: "When you go home?" or "Why don't you go home?" He tells me. To Waskaganish. And I tell him: "That's not my home. My home is here in Moose Factory." This is where I was born and raised. I don't see Waskaganish as home. Waskaganish is just another community. It's like Timmins. I may have my band number and beneficiary number or whatever, but it would take me awhile to get accustomed to be living in Waskaganish.

Squatters. That's what they called us, you know? But we are not. We shouldn't be defined like that. Because we were always here. We were original inhabitants of the land, right? So I think that Section 3.2.7 should apply in that way that it is to Native people here regardless of the boundary. We didn't make the boundary. It was a settler government that made it. That's what I refer to people, a foreign government that came here. That's what I refer to as a settler government, not as a settler people (laugh). You know? And that's the way that I look at it and...It's just sad, because it's resources that govern you, yeah? The funding. The way programs and services were allotted in this country. You know, the province won't give money to another province for funny reasons or whatever?

Michael's account vividly captures how his Moose Cree colleague's claim de-legitimizes his notion of home. Despite this exclusionary discourse, Michael affirms Moose Factory as his home by equating Waskaganish with Timmins, a city and an impersonal space to which he has no attachment.

Mary also experienced a hostile reaction against her and her community:

Q: Have you encountered any discrimination from the Moose Cree people? Like people telling you are not from here?

A: Yeah sometimes. I just ignore it actually (laugh). It took me awhile. I never really saw the dissensions before. But I think it's because the way I was brought up too. There weren't any lines drawn in my life. When actually someone directly attacked me, then I realized there were so many dissensions that I have not seen. But I don't look for them. I prefer not to look for them. Even if they are there. If they happen, then they happened, and you deal with them. That's how I see it.

Q: Now without naming anybody, how were you attacked?

A: Somebody wrote me a note saying: "How dare you?"

Q: Oh really? How dare you...

A: How dare you talk that way, or how dare you speak that way. This is not your land, this is not your community. I still have that note. And I got so upset over it. But my husband was a teacher here for a number of years and he was very understanding and he saw both sides even though because he was from outside, he was able to look in, whereas I couldn't because I was part of the community. So he helped me through it. But it wasn't something that haunts me forever. It was something that happened momentarily kinda thing and, you know, for few weeks I had to deal with it, but I ignored it after awhile. Yeah. I realized I have made friendship with young people through my husband's work and we had friendship with older people, parents of the young people we met and there was no way that I was going to be destroyed and I just ignored what I felt somebody, I don't know, their evilness (laugh). It wasn't warranted to be part of my life.

As indicated in Mary's earlier comment about the street light and her time away from the Tent City, it was her relationship with people outside of her own community that made her life in Moose Factory bearable and made her call the place home. The "lines" Mary refers to are similar to the jurisdictional lines drawn on the island that became a line, which demarcate one community's identity from another's. Yet, she points out that these lines are not impermeable as she managed to build better relationships with younger members of the First Nation.

Mary also sees her faith and identification with other Anglicans on the island as a way to overcome the differences imposed on them by the Canadian state:

I think my involvement within the church identifies me as a person, as a person with freedom to choose where I worship or where I glorify the Creator who made me to be a part of this earth at this time and place and not necessary that my parents took me there. But it's a place where I feel comfortable, it's a place I feel like I'm neither MoCreebec nor an Aboriginal person, but just a human creature of the Creator. That's the way I see it. And I see that for everybody else who makes the choice to be wherever they wish to be and I don't think churches should be separate from who we are as...whether we are in politics or any other kind of organizations that works within our group of people. Our faith or our choice of faith, of the way we choose to walk our life should enhance it, not work against us.

The comments of my interlocutors are indicative of how the notion of 'home' became institutionalized as a space where one is legally registered rather than a place with which one has an active relationship. Moreover, they indicate the ways in which the Cree in both Quebec and Ontario have internalized jurisdictional boundaries as the marker of their Indigenous identity.

Aside from such overt and sometime hostile expressions of the difference between the two communities, a subtle effort is also made to reconcile the difference. At a community dance during the Cree Fest, the MCs called out people from different communities from the West Coast of James Bay to come forward and dance to the live music played by Cree fiddlers. All of the communities that were called forth were named as First Nations and cities such as Timmins and Toronto. As the list came to the end, one of the MCs called Moose Cree First Nation to conclude the dance and the other MC quickly corrected him to say: "All Moose Factory people!" as a gesture to include the MoCreebec people. Despite its subtlety, the event is an instance in which political identities in Moose Factory are publicly negotiated, and an example of the methodological value of participant observation.

### **Homeland Undivided**

Through provincial boundary extensions and the signing of two treaties in James Bay within a century, the region has become divided into jurisdictional and administrative units in the form of

provinces, reserves, and self-governing communities. At the same time, the Cree in the region increasingly came to identify with these spaces as markers of their identity, while those who reside off-reserve like MoCreebec are seen as alien. In response to this exclusionary discourse, however, the MoCreebec people persistently re-assert their claim to Moose Factory as their home while identifying with the broader Cree Nation.

For one, their sense of belonging to the Cree Nation is indicated in the official name of the organization (MoCreebec Council of the Cree Nation) as a symbol of the pan-Cree identity. The MoCreebec experience is precisely a product of the JBNQA, within what Andersen and Denis describe as the nation model, where the claims of Indigenous communities within defined territorial boundaries are privileged over those outside. However, the Cree Nation that MoCreebec envisions is different from what the JBNQA represents. MoCreebec sees the boundaries imposed by the state as an obstacle to the unified Cree Nation. Their identification with the nation is in effect a direct response to their experience of being divided by jurisdictional boundaries, separated from their homeland, and alienated from the people they consider as their own. This conviction is further reflected in Mary's statement:

So many questions are unanswered, you know? When it should be so simple to include the people of MoCreebec without excluding them from that agreement. I feel it'll be so simple just to say: "We as people recognize our own people. We as people, the Cree Nation, recognize no matter where our people are living, they should be included in this." You know? I think a lot of people when they have high power and high positions, they don't have any compassion anymore. I don't know if they have tunnel vision or they don't have a peripheral vision anymore as a Cree Nation. It's something that we credit ourselves with, because we can...I mean for me anyways, I always try to look at things globally rather than just a tunnel with a tunnel vision.

Mary's statement reflects her frustration with the Grand Council as well as her vision of more inclusive Cree nationhood.

Similarly, Michael reiterates and re-emphasizes his point cited earlier that he does not see Waskaganish as his own community. However, he also acknowledges that his wife sees both Moose Factory and her registered community in Quebec (Eastmain) as her home:

Because we were born here, Moose Factory is my home. I do not see Waskaganish or Rupert House as my home. And even though I'm a beneficiary and my band status is with Waskaganish, it is not my home. They would appear to me as another community. Like Waskaganish would be another community, like for example, Timmins. You know? I would go there and look at them as another community. And it would be a little different from Timmins because that's where my band number is from, but I don't see them as opposition or whatever (laugh). It's just another community. But my wife is different. My wife was born and raised in Eastmain and she moved here when she was fifteen, fourteen, I think, with her parents, yeah? And she sees Eastmain as her home town. Even though we are married, we live here and our children and grandchildren are here. She sees Moose Factory now as her home. But her original home is Eastmain.

Q: So she sees both Eastmain and Moose Factory as home?

A: Yeah her original home is Eastmain. Versus me. My home is Moose Factory. That's how it is.

They would say you are a transient person or whatever, you know? You don't belong here or...that's what they would tell me (laugh). Go home, they would tell me to go home to Moose Factory, and I would have no problem with that. If they told me that. Sure I would go home (laugh). Because Moose Factory is my home.

Despite the obstacles placed on their path, Mary and Michael each envision their own conceptions of Moose Factory as part of the Cree homeland that is undivided by what they see as artificial border.

Mary further explains her vision of the Cree Nation in relation to her community's circumstance and development of its organization as she answers my question about what MoCreebec means to her:

MoCreebec to me...is not so much that we separated from our own communities, but at the same time, we were a people that...some of us had no...how would you say it? Some people made the choice to move out there. And some people didn't have that choice. They had to come here, because the hospital was here. We came here, because our dad was sick. And we just ended up here. We went to school here. My dad had to stay close to the hospital so we ended up staying here. But in the end when we decided that we would

work as a collective organization, as a collective group through the Constitution, I feel that MoCreebec is not just a service for our people, but it's also overseeing the people that were disconnected not by choice, but by policies and rules that affect us through the James Bay Agreement because we were being almost ostracized for being a part of, you know, choosing to live elsewhere. That we weren't included in many many things that the agreement was proposing to. And yet, I feel that the agreement includes us. Because we are of that Cree Nation as well and we continue to be part of that Cree Nation. MoCreebec was sort of like, you know, ignored and not being considered as part of those people anymore that MoCreebec chose to do something for the people who did make that that choice to live here. And I think MoCreebec is to me a nucleolus of those people, except the nucleus of all those people from different bands that were being ignored by their own bands to be a part of them even though it wasn't by choice, you know? I mean by choice, nobody has segregated from their own bands, except those who moved on to Moose Cree.

For Mary, the creation of MoCreebec itself was a necessary choice in response to their exclusion from the JBNQA and the consequences of this exclusion.

Michael and Mary's perspectives on Cree nationhood seemed to have contradicted the official position of the Cree leadership in Quebec. In response to the MoCreebec Council's decision to launch the court challenge, the Grand Council argued the JBNQA is "territorially applied" and describes Aboriginal and treaty rights in general as "geographically limited" (GCC-EI 2006, 34). In other words, the JBNQA beneficiary rights cannot be transported across the agreement's designated boundaries in Quebec. While suggesting that there was a possibility for a dialogue, which they saw as the ideal means of resolving the conflict, the Grand Council proceeded to accuse the MoCreebec Council of stalling the out-of-court discussion (32).

MoCreebec proceeded to prepare themselves for the legal challenge. The trial was scheduled for May, 2014 after a series of meetings with lawyers representing both plaintiffs and defendants: the Grand Council of the Crees (Eeyou Istchee), Quebec, and Canada.

Michael expressed his confidence in their case, but he was also concerned with the ways in which it could worsen the divide between the Grand Council and the MoCreebec Council:

Am I ready for the trial? I believe I am, but I have a mixed feeling about it, you know? I feel

sometimes that I shouldn't be fighting against my own brothers, but at the same time they shouldn't be leaving something out. You know? Because of the borders. Even though they know they left something out. They shouldn't leave it like that. There are ways to work around it. I believe there are ways around it. And they shouldn't be listening to another government to tell them what to do. They should go ahead and do it themselves. Because we supposedly negotiated a way of self-government, then apply it. Are we afraid? I think we are sometimes. We are afraid to try it. We are afraid to get into trouble. But at the same time there are rules and regulations that govern how you account for whatever you are going to spend. And however you going to do it. And if you can do it, then do it! What did they say? The Nike motto? Just Do It? (laugh)

While Michael seemed confident, he also expressed his hesitation in moving ahead with the prospect of a prolonged conflict with a people he considers his own through the Canadian legal system based in the “south” (southern Canada). As MoCreebec continued their preparation, however, they were forced to pause their organizational work with the passing of Chief Randy Kapashesit.

### **The Future of MoCreebec: Beyond Chief Kapashesit's Death and the Legal Challenge**

Following Chief Randy Kapashesit's death, Allan Jolly replaced him as the Interim Chief of the MoCreebec Council. Chief Kapashesit's death also forced the community to revisit and reconsider their priorities, especially in areas where he had played an active role. In particular, the MoCreebec Council's relationship with the Grand Council seems to have become more conciliatory as, according to the archival documents Donna Ashamock provided me and accounts of my interlocutors, Chief Kapashesit had taken a more assertive approach and been more determined to continue the court challenge than other members.

On September 24th, 2013, the MoCreebec membership voted 88% in favour of dropping the court case (CBC 2013). While the details of this meeting are undocumented and the precise reasons for this decision are unknown, it is likely a mixture of a political choice in favour of diplomacy and a cost-cutting measure to reduce the financial burden on the community. In Allan



Jolly's words, the discontinuance of the lawsuit "paved the way for the Grand Council and MoCreebec coming together and committing their efforts jointly in political-driven resolutions to resolve MoCreebec matters and concerns" (MCCN 2014). A month later, the Grand Council set aside two million dollars for negotiations with the MoCreebec Council.

On February 13th, 2014, Grand Chief Matthew Coon Come visited Moose Factory with other delegations from the Grand Council to address the MoCreebec membership (CBC 2014). Unlike previous visits, however, the tone of Allan Jolly's statement published on the MoCreebec website is remarkably positive in its assessment:

After a delicious meal of prime rib roast beef, turkey, and a wide selection of desserts, the Grand Chief addressed the MoCreebec people informing them of the Grand Council's commitment to partner with the MoCreebec people toward a path of reconciliation into the family of the Cree Nation. He also spoke of the hope for a resolution to the long-standing issues and difficulties MoCreebec people have faced as beneficiaries of *the James Bay Northern Quebec Agreement* (JBNQA).

Over a hundred people were in attendance at this evening function and from all appearances it was a good meeting. Those attending the dinner function had opportunity to meet and hear directly from Grand Chief Coon Come who clearly emphasized Grand Council's support to go full steam ahead in an effort to resolve the MoCreebec file. In his letter dated June 17th, 2013 the Grand Chief had written and called upon the Minister of Aboriginal Affairs Canada, Bernard Valcourt, for high-level negotiations, citing "the time has come to resolve...the MoCreebec case through negotiations." No official response has come from the Minister's office as yet, however MoCreebec and Grand Council have begun a process to lobby and seek political support from all levels of governments, including First Nations in Quebec, Ontario, other Aboriginal organizations, and both levels of government in Ottawa and Ontario (MCCN 2014).

The statement is in a stark contrast with Allan Jolly's assessment of previous meetings where he bitterly recounted his frustration with the Grand Council's indifference and inaction. He also emphasizes the reconciliatory nature of this decision as a step toward the unification of "the family of the Cree Nation."

Bill Namagoose, the Executive Director of Grand Council, echoes this turn to reconciliation and cooperation:

I believe it is time to work with the MoCreebec Crees in their development, as it is counter-productive when you look at litigation towards us, as it relates to the past, and in solving our differences. We need to look at working with them in dealing with their future, and securing that with the governments (CBC 2014).

Both Namagoose and Allan Jolly's comments indicate a significant change in the relationship between MoCreebec and the Grand Council.

Despite Allan Jolly's optimism, he acknowledges that dropping the legal challenge is only a change in MoCreebec's approach. The MoCreebec Council's commitment to the goal of a unified Cree Nation remains the same. Nonetheless, he affirms that the court case is "behind us now and is put aside in favour of the political process" and "the political will going forward is working together instead of being against each other in the court room" (MCCN 2014). He continues:

It will take some time to work things out, and the road will not be easy, but the Grand Council and MoCreebec are united and are working together in regards to their respective commitments to do all they can in carrying forward these agendas (MCCN 2014).

However, he emphasizes that, in order for them to achieve this goal, participation of the MoCreebec members are necessary and any of the decisions that are made by the MoCreebec Council must be a product of the members' participation and their collective will (MCCN 2014).

Following this meeting on May 22, 2014 with the Grand Chief, the MoCreebec Council announced a follow-up meeting to discuss the possibility for the community to attain a land base, a possibility that was entertained during the Consult '87 but put aside for nearly two decades. While the outcome of this meeting is not known, the fact that they are revisiting this plan indicates that MoCreebec's struggle is still ongoing.

According to the minutes of MoCreebec General Meeting in March 2015, the Grand Council leaders are cited as "committed to working with MoCreebec to participate in capacity building of the Eeyou Istchee Nation" (MCCN 2015, 2). More significantly, the Grand Council passed a resolution at its Annual General Assembly for 2014 to adapt and implement a uniform interpretation

of Section 3.2.7 (*The Nation* 2014). The resolution clarifies that the section is not intended to suspend the rights of Cree beneficiaries living outside the JBNQA territory and that the section is to be interpreted “broadly and liberally” (ibid). However, the section also recognized that there is a lack of consistency among the Cree entities and agencies in interpreting the section and establishing the exceptions to it, which led to the non-resident JBNQA beneficiaries not having full access to the rights and benefits to which they remain entitled. The resolution accordingly clarifies that JBNQA beneficiaries domiciled outside the territory remain entitled to exercise rights and benefits “if they visit Eeyou Istchee during that period and have social, economic, political or cultural ties with their Cree community” (*The Nation* 2014). It also mandates the Grand Council and its affiliated institutions to adopt a uniform interpretation of the ten-year clause, limiting the application of the clause to beneficiaries above the age of twenty-nine and allowing younger Cree to reside elsewhere while they obtain their post-secondary education. The practical implication of this resolution, as well as the extent to which it differs from previous “symbolic resolutions” Jon mentioned above, is still unknown.

While MoCreebec’s decision to drop the legal challenge in Quebec seems to have eased their conflict with the Grand Council, the latter’s recent decision to launch a lawsuit in Ontario is causing tensions in western James Bay. According to the Grand Council’s website, the organization commenced a lawsuit in the Supreme Court of Ontario to

...obtain recognition of the Cree Nation’s Aboriginal title and Aboriginal rights over its traditional territory in northern Ontario, Eeyou Istchee - Ontario. The lawsuit, filed against the governments of Canada and Ontario, seeks declarations of Aboriginal title (on a shared basis with other Aboriginal nations) and Aboriginal rights over approximately 48,000 square kilometres of lands located south of James Bay and immediately west of the Ontario-Quebec boundary. In addition, the lawsuit claims damages of \$495 million for past breaches of the Cree Nation’s rights in relation to these lands (GCCQ-EI 2016).

MoCreebec released a brief statement in response, welcoming the Grand Council's willingness to address the border issue and the rights of JBNQA beneficiaries living in the claim area. The statement adds: "We can only hope and pray that all parties concerned will seek and strive to work together in a spirit of cooperation and goodwill toward a mutual commitment in protecting and advancing indigenous land rights for all Cree (MCCN 2016)." However, the responses from other Aboriginal organizations are less than welcoming if not outright hostile. In spite of the Grand Council's recognition of shared title in Ontario, both the Mushkegowuk Council and the Nishinawbe Aski Nation denounced the lawsuit and demanded the Grand Council withdraw it. Norm Hardisty, the Chief of Moose Cree First Nation, which claims the exclusive rights and title over the claim area, criticized the lawsuit by asserting MCFN's proprietary claim to the area covered by Treaty 9.

"...we have exercised our rights under Treaty 9 throughout our Homeland since the Treaty was signed in 1905. Our Homeland is vital to us as Moose Cree and is of great spiritual and cultural significance to all our people. Our Homeland serves to support our existence and to safeguard our future. We have a deep connection with the land that has never been broken and will never be broken. We have always defended our Homeland and will continue to do so. Our lands do not belong to anyone else. Should the Quebec Cree reject our call and proceed with their lawsuit, Moose Cree First Nation is committed to taking any and all steps to protect our Homeland and our Treaty rights (Wawatay News 2016)."

Chief Hardisty particularly criticized for Grand Chief Matthew Coon Come for not consulting with the First Nation prior to launching the lawsuit. Coon Come defended the decision by arguing that the Grand Council made an arrangement in December 2014 at the meeting of the Assembly of First Nations, but representatives of the First Nation did not show up. The editorial board of Wawatay News, the NAN's publication, criticized the lawsuit for "pitting 'Cree vs. Cree (Wawatay News 2016).'" In an open letter to the Grand Chief Coon Come, Chief Hardisty further denounced the lawsuit as part of "colonial tactics" motivated by the Grand Council's refusal to share their resources with MoCreebc (APTN 2016). Chief Hardisty also argues that

the Grand Council's call for a shared title is hypocritical as they have never shared their title in Quebec with the Cree in Ontario. Grand Chief Coon Come is reportedly surprised by these reactions: "'They should be standing with us. Who created this politics of division [?]' asked the Grand Chief. 'When Canada was created, no one consulted the Aboriginal peoples, including the Cree, when they created these provinces and split the boundaries of First Nations (*Timmins News* 2016).'" While the critics of the lawsuit do not directly target MoCreebec, Moose Cree's emphasis on their exclusive rights in the claim area implicitly reinforces the longstanding division between two communities in Moose Factory. Interestingly, however, the Grand Council's stance seems not only to mitigate its tension with MoCreebec, but allow the Grand Council to appropriate the rhetoric about division caused by territorial boundaries MoCreebec members used to explain their relationship with the Grand Council. In spite of its changing dynamic, the conflict between eastern and western James Cree organizations would likely have a continuous impact on MoCreebec's relationship with their Moose Cree neighbours.

### **Conclusion**

MoCreebec's marginalization in Moose Factory as well as within the JBNQA prompted them to organize themselves into a political community and initiate various community development initiatives to foster self-sufficiency. However, Section 3.2.7 has remained an obstacle for the MoCreebec members that is at once material, social, and emotional. It has hampered many from pursuing post-secondary education. During their temporary residence in their registered communities to reinstate their beneficiary status, they experience discrimination and a sense of alienation from members of the JBNQA communities. Ironically, this alienation is reinforced by their experience in Moose Factory, where their Moose Cree neighbours also consider them as outsiders to

the Treaty Nine territory. This double alienation has simultaneously denied the MoCreebec's sense of belonging and shaped their consciousness as a member of the larger Cree Nation, leading them to persistently assert their claim to Moose Factory as their home. However, with the death of Chief Randy Kapashesit, the MoCreebec Council was forced to pause their organizational work and reconsider their future direction. With the change in leadership, the MoCreebec members decided to drop the legal challenge and pursue out-of-court negotiation with the Grand Council of the Crees through diplomacy rather than a court battle, presumably to ease the tension with the Grand Council and minimize the financial burden on the MoCreebec Council. As a result, MoCreebec's relationship with the Grand Council became more conciliatory and the latter has made some apparent concessions in regards to Section 3.2.7.

## **Chapter Six:**

### **Conclusion: Three Braids**

This thesis has documented the history of the MoCreebec people through ethnographic, historical, and theoretical lenses. In the first chapter, I discussed the regional history of James Bay and highlighted the collapse of the beaver population and the subsequent decline of the fur economy as the pretext on which the Canadian state expanded its sovereignty and bureaucracies into the region. In particular, the making of Treaty Nine has reinforced the sovereignty of the Canadian state at large while extinguishing the Aboriginal rights of the Cree and Ojibwe who signed the treaty with representatives of the Crown. This effectively territorialized James Bay by dividing the region into jurisdictional entities. The fact that Aboriginal rights in Ontario were extinguished nearly seventy years prior to those of the Cree in Quebec made the process of economic development in the region significantly uneven.

In Chapter Two, I analyzed the social transformation in James Bay in the early Twentieth Century as a precursor to the creation of MoCreebec. Following the signing of Treaty Nine, development in Northern Ontario accelerated significantly with the completion of railway construction and the increased presence of mining, lumber, and hydroelectric interests in the region. The construction of railways in particular led to the incursion of Euro-Canadian hunters onto Cree hunting grounds and the depletion of fur animals on both sides of the provincial border. However, while the Cree in Ontario had benefitted from Indian Affairs' housing program by the 1940s, the Cree in Quebec were mostly neglected as they did not sign any treaties until 1975. In the face of these hardships, the Quebec Cree were forced to adopt various coping strategies, one of which was migration to larger settlements and cities. Some of them went to Moose Factory, which became a centre for commercial interests and governmental agencies operating in the James Bay and offered

the migrants from Quebec employment opportunities. The island also hosted a regional hospital that provided medical services they could not receive in Quebec. These are the circumstance that led to the creation of Tent City where would-be MoCreebec members congregated and lived in temporary structures with no permanent infrastructure.

In Chapter Three, I theoretically contextualized this social transformation in the James Bay region, which led to the creation of MoCreebec as a product of what Toby Morantz calls bureaucratic colonialism: a form of colonialism that involves the state as the primary agent of colonization. According to Morantz, bureaucratic colonialism is also characterized by differences and divisions among governmental bodies and agencies, which in effect leave Indigenous Peoples in limbo. I argued, however, that the MoCreebec experience is a case in which bureaucratic colonialism engenders differences not only among the colonizers, but also the colonized. In order to elucidate this point further, I referred to Frederik Barth's theory of cultural difference as a product of social organization and of the imposition of territorial boundaries, particularly on nomadic societies whose mobile social organization stretched across the fixed boundaries of nation-states. While Barth's earlier work stressed the interaction among social groups as the marker of inter-collective differences, in his later work, he highlights the role of the state in mediating these differences. Barth argues that the creation of boundaries not only disregarded the mobility of nomadic societies while privileging a sedentary way of life, but it also created new identities. In Canada, the imposition of bureaucratic boundaries on Indigenous Peoples led to the creation of ethno-status and ethno-territorial distinctions, as theorized by James Waldrum and Paul Nadasdy, and collective identities that the state does not recognize as legitimate.



I argued that the state's propensity to recognize certain identities over others is consistent with what Yellowknife Dene scholar Glen Coulthard calls *the politics of recognition*, a defining framework of contemporary State-Indigenous relations in which the Canadian state effectively neutralizes the oppositional politics of Indigenous social movements by granting partial recognition to their demands while simultaneously limiting their expression. I argued also that this limitation is expressed in territorial terms by privileging land base as the locus of recognition and denying the mobility of Aboriginal rights across territorial boundaries. This territorialization of autonomy has tied the concept of Indigenous nationhood to a contiguous territory and subsequently marginalized Indigenous Peoples living outside of the designated boundaries. I argued accordingly that the creation of MoCreebec identity is a result of such a denial of mobility on the part of the JBNQA beneficiaries through Section 3.2.7 of the agreement.

In Chapter Four, I briefly outlined the history of the *James Bay and Northern Quebec Agreement* and the ways in which it affected MoCreebec. I then chronologically traced the life histories of MoCreebec members and weaved them into the collective history of MoCreebec organization since its establishment in the 1980s as a committee within the Grand Council of the Cree.

The community was first established as a result of Cree migration from the coastal area in eastern James Bay to Moose Factory in search of employment opportunities or medical attention from the regional hospital following the collapse of beaver population and the subsequent socio-ecological crisis. The migrants congregated in an off-reserve section of the island referred to as “Tent City.” While living conditions there were initially similar to the hunting lifestyle they were used to and the conditions of their settlements in Quebec, they gradually deteriorated as the settlement became permanent without necessary infrastructure to support it. The deteriorating condi-

tions in the Tent City led to various social problems such as alcoholism and inter-personal violence as well as conflicts with their Moose Cree neighbours. These conflicts highlight the territorial politics of Moose Factory in which members of both communities internalized the jurisdictional division between the reserve and off-reserve sections of the island. However, these conflicts seem to have somewhat eased as the Tent City residents started to organize and pulled themselves out of poverty. As MoCreebec leaders inquired with the Department of Indian Affairs and sought professional legal opinions about possible solutions, they found out about the JBNQA, the final agreement of which they were unaware of at the time. They accordingly contacted the Grand Council and ask them to hold a general meeting for the beneficiaries in Moosonee and Moose Factory. However, the minutes of the meeting reveal that the Grand Council made a very little effort to consult them prior to the making of the agreement and that they were hardly recognized as a constituency of its governance.

Nonetheless, the MoCreebec leadership made a steadfast effort to organize its community through consultation and diplomacy. In the consultation process conducted in 1984, the community unanimously rejected Indian Affairs' recommendation to become a federally recognized First Nation within the framework of the *Indian Act* and instead maintained that the solution must be sought within the framework of the JBNQA. Since then, the MoCreebec leadership took the community's will to the Grand Council's general meetings in Quebec nearly every summer to demand that Section 3.2.7 be taken out of the JBNQA. However, his effort yielded no results. This pattern was repeated more than two decades later when the Grand Council did not include MoCreebec in *the New Relationship Agreement* and the Grand Council/Cree Regional Authority election proceeded without a ballot box in Moosonee and Moose Factory. Frustrated with the lack of progress in their diplomatic relationship with the Grand Council, the MoCreebec members decided to take

them along with Canada and Quebec to the Supreme Court of Quebec for a “declaratory judgment” on the discriminatory nature of Section 3.2.7.

In Chapter Five, I highlighted the economic and political development initiatives MoCreebec has worked on over the years to support themselves in light of the lack of state recognition and assistance. On the one hand, they embarked on various small-scale entrepreneurial projects in Moosonee and Moose Factory, such as MoCreebec Cable Company and Moose River Broadcasting Company. On the other hand, they drafted the MoCreebec Constitutional Framework as a self-governing framework. The Constitutional Framework is accompanied by the Clan Councils system, an alternative governance structure based on a consensus-based decision making model that functions as a federation of extended families and constitutes the broader MoCreebec Council. While the system is yet to be fully realized, it points to the community's effort to assert self-determination while they seek recognition from the state. I argue that these processes are not necessarily contradictory as their self-organization was necessitated by the lack of state recognition and hence of the financial assistance that other federally recognized communities receive. I also highlight the effects of Section 3.2.7 on the personal lives of the MoCreebec members. The section has particularly affected the younger members as they are disqualified from receiving financial support for their post-secondary education unless they relocate to Quebec temporarily to reinstate their beneficiary status. Such relocation was often a hindrance to the timely completion of their programs as they were forced to halt their study to relocate. The temporary relocation also caused a sense of alienation among young beneficiaries, who felt alien to communities where they had never lived before. This experience, however, is not specific to when they are residing temporarily in Quebec, as they experience similar reactions from their neighbours in Moose Factory. Some MoCreebec members have been told by Moose Cree members that they do not belong to the land

Moose Cree consider as their own. In response to this exclusionary discourse, however, the MoCreebec members have asserted their claim to Moose Factory as their home by articulating the concept of Cree homeland undivided by the colonial borders.

The MoCreebec experience is significant for other researchers studying the history of James Bay, and the history of the relationship between Indigenous peoples and the Canadian state, as it reveals the contradictions inherent in Indigenous peoples' struggle with colonialism. There are broadly three sets of contradictions that were recurring in this thesis. The first is the simultaneous particularity and familiarity of this case study. While MoCreebec's experience is certainly specific to their own situation, it also reveals the familiarity of experiences which many Indigenous communities share. On the one hand, MoCreebec is an example of how some Indigenous communities fall through the cracks of bureaucracy and are collectively unrecognized as legitimate entities. On the other hand, as the case studies show, their experience also speaks to the familiarity of experiences in which the creation of unrecognized Indigenous identities is integral to the functioning of colonialism in Canada.

The second set of contradictions is the way in which in the Cree's resistance to Quebec's hydroelectric development and the subsequent signing of JBNQA engendered a new political geography of the James Bay region. The creation of Cree homeland through the JBNQA was a product of compromise made by Cree leaders, as much as it was a victory for the Cree people. Like other land claims and self-government agreements that have been made since, the JBNQA is undoubtedly a product of Indigenous Peoples' resistance to the Canadian state and its settler-colonialism in which the Cree successfully carved out an autonomous regional polity legislatively recognized by the Canadian state. Nevertheless, the ways in which the Cree autonomy is recognized by the Canadian state empowered some Cree have disempowered others. Through their negotiation with

the Canadian state, the Cree leaders have emulated a colonial model of governance they were resisting four decades ago. The imposition of territorial boundaries limited the expression of Cree identity beyond them. However, this process was not necessarily negative in a sense that it limited the Cree expression of autonomy, but it was also positive as it created new collective identities that did not previously exist. While MoCreebec's residency in Moose Factory disqualified them from receiving the benefits effectively excluded them from claiming membership in the broader Cree Nation, it paradoxically enhanced their agency to foster self-sufficiency and envision the unified Cree Nation undivided by colonial borders. However, MoCreebec's assertion of pan-Cree identity is rejected by Moose Cree who claim Moose Factory as their traditional territory and still see MoCreebec as trespassers, suggesting the difficulty in actualizing such identity.

The third set of contradiction is a difference in types of leadership practiced in contemporary Indigenous political organization. One of the biggest dilemmas the MoCreebec leaders have faced is how to organize their community despite the lack of external support. While taking the *Indian Act* route would entail an adoption of the chiefs and councils used by other First Nations, which MoCreebec saw as a colonial form of governance, pursuing the JBNQA route did not necessarily entail adapting the same leadership model currently practiced in the JBNQA communities. Instead, they drafted their own Constitutional Framework and adapted their own form of governance which they called the Clan Councils. Despite the ambiguities around the precise origin of clans in James Bay, this has allowed the MoCreebec leaders to exercise a model of governance they believe as consistent with Cree ways of life. The choices the MoCreebec leaders faced are reflection of the ways in which the ethno-status and ethno-territorial distinctions enable different organizing strategies for Indigenous communities. All of these contradictions demonstrate that colonization is not a straightforward process, and neither is Indigenous peoples' resistance to it.

I intended my research project as a documentation of the MoCreebec history, which was largely undocumented by James Bay scholars. I also intended to fill the gap left open by much of the James Bay Cree scholarship that focused on the successes of the *James Bay and Northern Quebec Agreement*. However, my intention is not to refute the tangible successes that the agreement achieved nor discredit the scholars who highlighted them in their work. It is rather to shed light on the contradictory effects that the making of the agreement has had on socio-political dynamics on the region and situate the JBNQA within the broader historical process in which the Canadian state expanded its sovereignty into the region and exercised its colonial power over Indigenous Peoples. While the Cree's opposition to the hydroelectric development project and the JBNQA as its outcome significantly enhanced their agency and sense of nationhood, it also limited their ability to express their nationhood outside of the JBNQA framework. On the one hand, the JBNQA signaled a victory in halting large portions of the proposed hydroelectric development and gaining autonomy from the federal and Quebec bureaucracies. On the other hand, it required concessions on the part of the Cree to articulate their demands in terms that are legible to the Canadian state. In effect, MoCreebec's continued deterritorialized existence in a limbo status or organizational quagmire has been one of these concessions. These conditions denied not only the mobility of the Cree's rights across boundaries set by the Canadian state, but also MoCreebec's membership in the broader Cree Nation, as their beneficiary status is contingent upon their residency in the JBNQA territory. However, this denial of mobility has paradoxically brought together Eastern Crees in Moose Factory as a political community based on their exclusion from both JBNQA and Treaty Nine. In other words, a divisive process of territorialization that seemingly undermined the Cree's agency has created MoCreebec as a dissident agency that envisioned the Cree identity beyond what was made possible by the agreement.

Ethnographic data I collected during my fieldwork guided not only my historical analysis and my use of the theoretical perspectives I outlined above, but also provided me with factual information that I lacked upon my arrival in Moose Factory in summer of 2012. Since there is no comprehensive and up-to-date study of the MoCreebec experience to this day, it took me a considerable amount of reading and conducting interviews to understand more fully the complexities that underlie it. From the outset, the MoCreebec experience appeared to me as an exceptional case in which an Indigenous community fell through the cracks of government policies that are otherwise functional for better or worse. While their experience is relatively particular compared to the plight of other First Nations communities under the *Indian Act*, I came to a conclusion through my research that it is also an epitome of the broader structural problem of the Canadian state and its colonial policies. Despite some contextual differences that distinguish these cases from one another, there are many cases (some of which I discussed in Chapter One and Chapter Three) in which Indigenous Peoples are unrecognized as a legitimate community because of their lack of land base or presumed place of residency outside of designated boundaries of a reserve or a treaty territory. Like MoCreebec, they were forced to organize themselves into a political community and seek recognition from the Canadian state.

It is my hope that my thesis will contribute to this field of study as well as its concrete application to the benefit of such communities including MoCreebec. However, the scope of this project is by no means exhaustive. There are aspects of the community history that I could not include due to the limited length of an MA thesis. The MoCreebec situation is also constantly changing and this thesis covers only a few of the changes that have taken place since I conducted my fieldwork in the summer of 2012. This is partially due to the pace of my writing, which allowed nearly three years to pass although my thesis is mainly based on the data I collected during my fieldwork

(with some additional information published on the MoCreebec website and articles published on news sites such as the CBC). This limitation is also due to the difficulties the community leadership has been facing since Chief Randy Kapashesit's death. The challenges they face in this transition that are beyond my capacity to discuss due to their complex and inter-personal nature. I can only hope that other researchers will update my research in future and include recent events that have taken place in last three years.

Despite these limitations, my ethnographic documentation of the MoCreebec history contributes to the rich bibliography of James Bay studies and provides an alternative perspective on the JBNQA. However, the incomplete nature of this study is also a reflection of its partiality and the fact that it is written from an outsider's perspective. I borrow Toby Morantz's analogy of three braids in documenting the Cree history (Morantz 2012, 3). One braid is composed of the non-Cree scholars' understanding of the Cree history from the early Twentieth Century to the present. The second tells the story of colonialism, the gradual expansion of the Canadian state bureaucracies and the undermining of the Cree institutions. The third missing strand of the braids is the story that non-Cree scholars such as myself cannot tell. It is the Cree's own story, the story they consider as important to themselves. I owe my gratitude to Mary who reminded me during the interview: "One day, I will write my own story." While I have sought to profile a variety of perspectives within the MoCreebec community, there remain some perspectives that were not included in my thesis, and stories that I never heard. It is my sincere hope the community will continue to nurture and produce its own scholars one day that could take up this task.



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