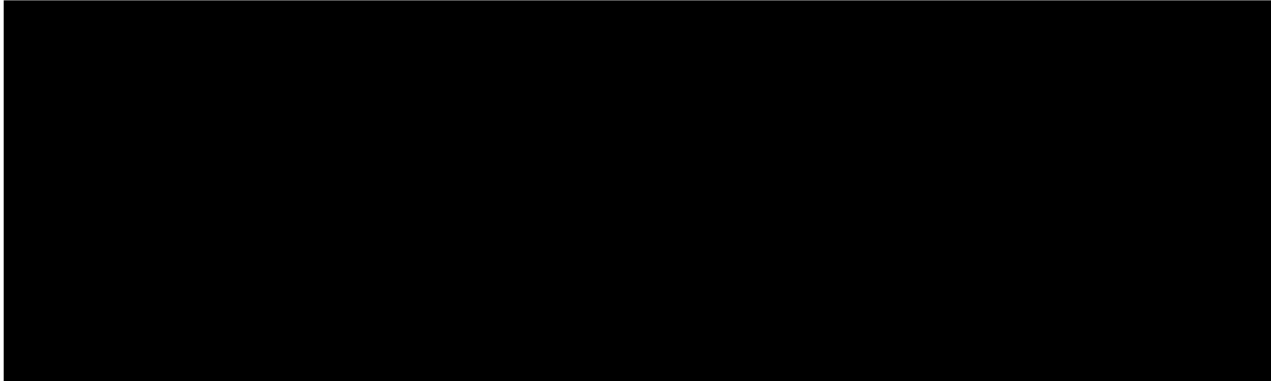


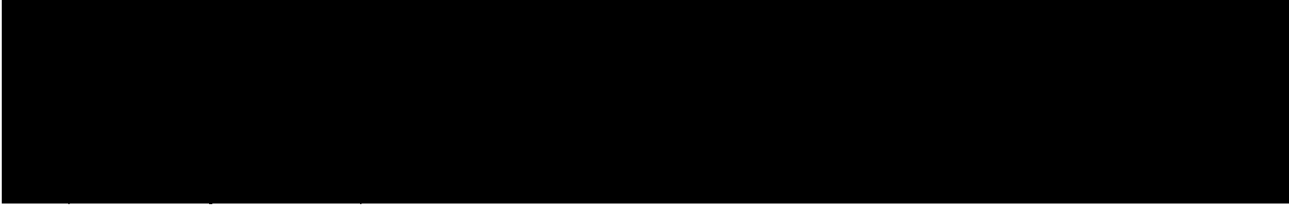
**Department of Labrador and Aboriginal Affairs
Analysis of Québec Innu Interests in the Lower Churchill Area**

Issue: The land claim area of the Québec Innu extends into Labrador. Although the claim has not been accepted for negotiation by the Province, these Innu groups may eventually demand consultation on proposed developments in Labrador. Further analysis is required to determine whether and to what extent such consultation may be appropriate for the Lower Churchill project.

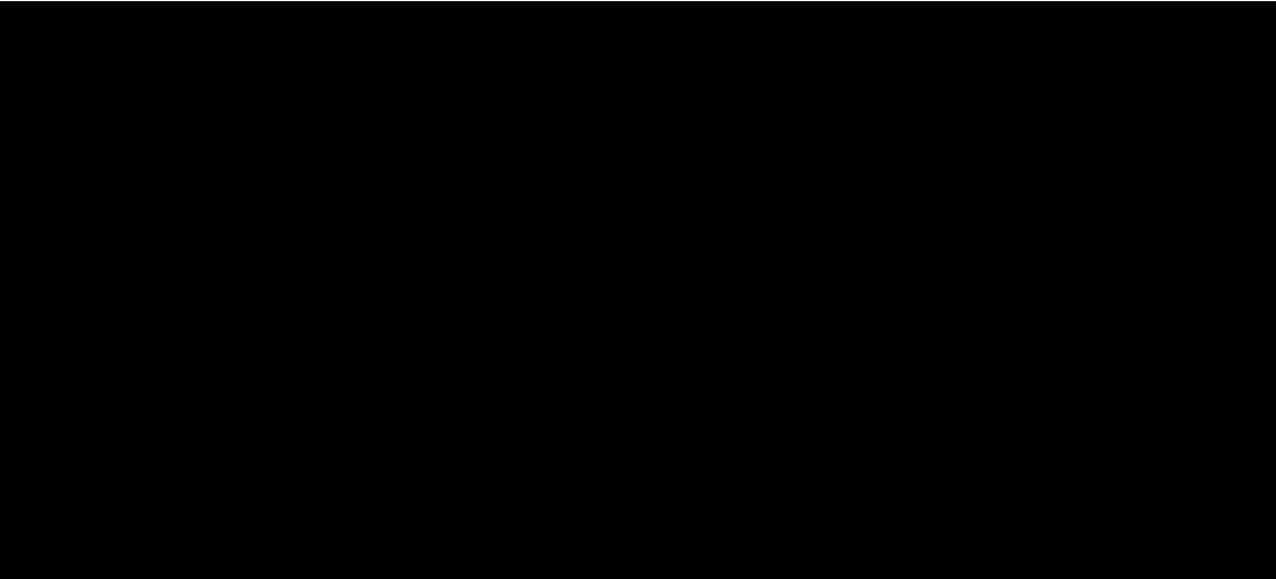
Background

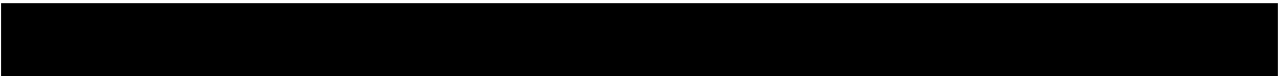
Québec Innu Land Claims in Labrador

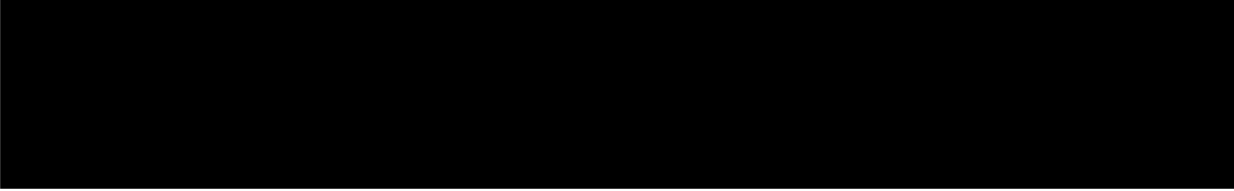
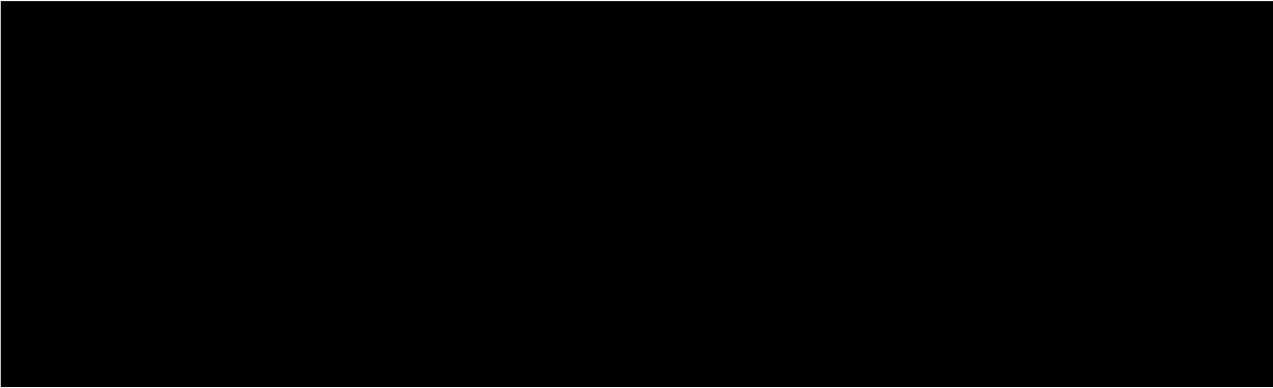
- In 1979, the federal government accepted the land claim of the Québec Innu for negotiation (which covered 700,000 km² in Québec and Labrador). The Québec Innu were formerly represented by le *Conseil des Atikamekw et des Montagnais* (CAM). When that organization disbanded in the early 1990s, the Governments of Canada and Québec began negotiating the Québec portions of the claim with three separate groups (each representing several communities): 1) *Mamuitun Tribal Council* (Baie Comeau-Saguenay region); 2) the *Atikamekw Nation* (Trois-Rivieres area), and 3) *Mamit Inuat* (Lower North Shore region). These land claims are presently at varying stages of negotiation, but none have yet reached a Final Agreement. A number of communities (Schefferville and Sept-Iles) have not been participating in land claim negotiations.
 - The land claim areas of six Québec Innu Bands extend into Labrador, including each of the communities along the Lower North Shore (Natashquan, Mingan, La Romaine, Saint-Augustin, Sept-Iles), and the Innu of Schefferville. The Naskapi of Kawawachikamach (near Schefferville) filed a claim with Canada for parts of Labrador in 1995, but the additional information requested to substantiate it was never received and the claim has never been served on the Province.
 - The land claims of Québec Innu groups in Labrador have not been accepted for negotiation by the Government of Newfoundland and Labrador. The Province has maintained that its priority is to negotiate accepted claims with Labrador-based groups, and that any claims by Québec groups may be considered only after these complex negotiations are complete. Moreover, one would expect that, practically speaking, settlement of the Québec Innu's core claim in Québec would be a prerequisite to any consideration by the Province of their much more peripheral claim in this province.
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- The Québec Innu are also likely following the Lower Churchill project closely, and may have determined that now is a key time to seek recognition of their claim in Labrador to try and take advantage of potential monetary and other benefits. Although there have been no recent and specific consultation requests related to this Project, this has been informally and indirectly alluded to in other contexts. The Province should prepare for the potential to receive such demands as the Project becomes further defined and advanced.



Aboriginal Consultation

- The Province has had a longstanding policy of consulting only with aboriginal groups that have land claims that have been accepted for negotiation (namely, the Labrador Innu and Inuit). Requests from other aboriginal groups for similar consultation have traditionally been rejected, in order to avoid providing an inappropriate level of recognition to these groups and their asserted claims.
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- Previous Lower Churchill development attempts included the direct participation of Hydro-Québec, as well as project activity in Québec. In 1998-1999, then Premier Tobin took part in discussions with Innu on both sides of the border, which may have raised expectations regarding Québec Innu involvement in the Project. Under the 2002 scenario, Hydro-Québec took responsibility for consulting with Québec aboriginal groups on the Project, although Quebec Innu groups were pursuing direct consultations from Newfoundland and Labrador, as well.
 - In 2002, it was anticipated that the Lower Churchill project (including the generation facilities and transmission in both Labrador and Québec) would be subject to a single environmental assessment (EA) process, under an agreement involving the Governments of Newfoundland and Labrador, Québec and Canada as well as Labrador and Québec Innu groups. The inter-governmental and “cross-boundary” nature of the Project and its EA would have allowed for the involvement of Québec Innu groups, without providing any recognition of their claim in Labrador. It was also anticipated that because the Project involved new infrastructure on both sides of the border, the Labrador and Québec Innu groups would likely each pursue economic benefits in their respective provinces of residence.
 - Under a Newfoundland and Labrador-led (and Labrador-specific) Lower Churchill project, however, any consultation obligations with the Québec Innu would likely fall to NL Hydro and the Province.
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- In order to advance the Lower Churchill project on schedule, NL Hydro is currently looking at various alternative approaches to its EA. This may include a “staged” assessment, involving an initial registration for the generation facilities, followed by a later, separate registration for the transmission lines in Labrador once determined. Eventual decisions on the EA strategy will require consideration of the aboriginal issues outlined above. The Québec Innu may also oppose any such approach if they feel that it is designed to exclude them from consultation on the generation facilities.
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Proposed Analysis

