

Action 1.1: prepare a document for proponents and those consulted outlining the expectations of the COMEX with respect to these consultations

Action 1.2: hold at least 3 meetings of the COMEX in Cree territory each year, and initiate meetings with local interveners

Action 1.3: place advertising about the COMEX in *The Nation*

Action 1.4: identify outside communication channels that reach a large audience, including stakeholders, to spread news or important information about project reviews

Action 1.5: collaborate with the JBACE on their plan to prepare a *framework* document for proponents

Action 1.6: initiate meetings with the various bodies and committees created under Chapter 22 of the JBNQA and related agreements with the goal of developing a better grasp of the roles and mandates of all levels involved in the assessment process

2) Issues related to the lack of information in English and Cree

Public hearings and the informed analysis of projects under review will only operate in favour of all interveners if everyone participating is able to talk to and understand each other. Although some speak French, the majority of people in the Cree communities and of members of the Cree Nation Government communicate in English, and to a lesser extent, exclusively in Cree.

The laws and regulations (Appendix I), or at least current interpretation of these, do not allow either the government or the COMEX to “require” proponents to produce their documents in three languages. However, the Charter of the French Language emphasizes that the Crees and Inuit have the right to use Cree and Inuktitut. The application of the *Sustainable Development Act* and its principles imply a proactive awareness in matters related to the language of communication.

The COMEX is careful to ensure that Cree interveners understand and actively participate by translating and distributing relevant documents, including details of the review process, in both main languages and sometimes also in Cree.

On its website, the COMEX asks proponents to pay special attention to making information aimed at local populations clear and understandable, and to translate certain documents or at least provides summaries of them in Cree and/or English.

The Administrator, meanwhile, follows the recommendation of the Evaluating Committee (COMEV) and points out in the Directives to the proponent that “An English translation of the Impact Assessment should be made available in order to facilitate consultation by the Crees.”

However despite the foregoing, there are still some deficiencies with regard to the translation of documents. Cases still occur where the proponent does not produce a translation at all, or does not translate key documents such as the impact study quickly enough. Also, there is sometimes a lag between the availability of the original French language documents of the COMEX and their English translations. This situation has the potential to limit the active participation of communities or individuals, to engender suspicion towards proponents, to delay consideration of projects and make it more difficult to achieve social acceptability.

Notwithstanding the above, the translation of documents into Cree, even for public consultations, presents some issues relating to terminology and interpretation, a matter which the COMEX will continue to study.

Action 2.1: develop a message for proponents sensitizing them to the needs and benefits of translating documents relevant to the study of their project, which would be included in the information the COMEX sends them as part of its standard process

Action 2.2: with the JBACE and during sectoral meetings, raise the issue and the consequences related to Cree terminology used during consultations, where the interpretation sometimes muddles the original meaning. Identify ways to develop or refine Cree terms used in the review process

Action 2.3: develop a protocol for the translation of COMEX documents

APPENDIX I

Appendix 3 of Chapter 22 of the James Bay and Northern Quebec Agreement (JBNQA):

“The impact statement is expected to be short and concise and contain an adequate guide to the contents and to the conclusions of the study, and it should also contain a clear summary containing the essential arguments and findings of the proponent. The statement may be in French or in English at the option of the proponent.”

Environment Quality Act (EQA): There is no reference to the language used, but the Charter of the French Language establishes French as the statutory language.

Regulation respecting the environmental and social impact assessment and review procedure applicable to the territory of James Bay and Northern Québec: There is no mention of the language in which the impact assessment must be submitted.

Sustainable Development Act: Principles of social equity and solidarity; participation and engagement; access to knowledge.

Charter of the French Language: There are exemptions for territories covered in the Agreement:

“The following persons and bodies have the right to use Cree and Inuktitut and are exempt from the application of this Act, except sections 87, 88 and 96:

- a) persons qualified for benefit under the Agreement indicated in section 1 of the Act approving the Agreement concerning James Bay and Northern Québec (Chapter C-67), in the territories envisaged by the said Agreement;
- b) bodies to be created under the said Agreement, within the territories envisaged by the Agreement;
- c) bodies of which the members are in the majority persons referred to in subparagraph *a*, within the territories envisaged by the Agreement.”
(C-11, Chapter IX, a. 95)