

4 James Bay Cree Self-Governance and Land Management¹

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The recent trend toward anthropological perspectives that locate foraging peoples within history and within the context of relationships to wider economies and politics is the major development transforming recent scholarly literature on hunters and gatherers. It is a purpose of this discussion to document the diversity and complexity of those relationships, which have not been fully recognized in recent studies. A parallel goal is to document the fundamental conflicts that are inherent in foragers' relationships with developed liberal-democratic states. A third objective is to assess the extent to which it may be possible to resolve or moderate those conflicts in the context of efforts to restructure the relationships between the James Bay Cree and the political and economic systems with which they have extensive interactions.

Within the anthropological literature there are varying, often covert, assumptions about whether the developing linkages between foraging peoples and wider economies and nation-state institutions are desirable. Some liberals and some conservatives want to isolate foraging peoples in an effort to maintain their autonomy or their cultures. Some radicals and some Marxists want to isolate foraging peoples in an effort to maintain their egalitarian relations and/or their modes of production. Some liberals and some conservatives want to integrate foraging peoples into the wider systems so that they may better benefit from the national prosperity or future national development. Some

radicals and some Marxists want to integrate foraging peoples into the wider systems so they can find needed allies with those who share their present or future class interests.

The list could go on, but the point is that none of these formulations tell us much about the range of views we might find expressed among foraging peoples themselves. In my experience, the views of foraging peoples include all the above but also many other perspectives as well. These peoples have a wide variety of goals and means to these goals, means with which they seek to make their history. Their choices among means and goals are often unexpected; at the same time, their responses to these choices are often insightful and farsighted in addition to being pragmatic. To participate more effectively in whatever roles they are invited to play and are capable of playing in these historical processes, anthropologists will have to examine more precisely what the experiences have been with various strategies of response to the linkages of foraging societies into wider systems. This is a modest contribution to the latter need.

I present a case study of one foraging people's efforts to restructure their linkages to wider systems of economy and nation-state polity within a developed liberal-democratic nation. I show that the linkages that already exist in such states are more complex than has generally been recognized in the existing prescriptive discussions on how foragers should respond. In doing so, I show that the James Bay Cree Indian people of northern Quebec had a distinctive set of aspirations for their linkages to the non-Cree world.

I also explore the limits for short-term restructuring within a liberal-democratic state. These limits are sufficiently narrow that fundamental conflicts between Cree aspirations and state aspirations and practice do exist which cannot be resolved in the short term. Nevertheless, within the limits of a liberal-democratic state, there are quite diverse and important short-term means by which a foraging people can enhance their opportunities to pursue their aspirations in the longer run. The future outcomes, however, remain decidedly uncertain.

The James Bay Cree have a long history of linkage. The mercantile fur trade reached them indirectly through Indian intermediaries, probably considerably before the Hudson's Bay Company set up its first trading post in North America on Cree lands, three-fourths of the way through the seventeenth century. And specific government Indian policies and programs also reached them indirectly through the Hudson's Bay Company and through Christian missionaries decades before a governmental administration was established in their region in the 1930s and 1940s. Their lands were opened to industrial

exploitation of wildlife and mineral and forestry resources following the building of a railway one hundred miles south of their lands in 1914-15. But industrial resource exploitation was limited in scale by problems of accessibility until the transportation networks for large-scale activities were greatly expanded in the 1960s. From that point on, a growing number of mining and forestry operations and towns was established, along with development of the hydroelectric resources of the region (Feit 1982, 1986).

The commencement of the James Bay Hydroelectric Project in 1971-72 represented to the Cree a critical expansion of the rate of resource exploitation and of threat to their own society and economy. Responses to the project became a focus of concern and challenge to the external agencies initiating resource developments in the region. A group of young Cree mobilized the Cree population to support opposition to the hydroelectric project, while soliciting advice from Cree elders on goals to seek in opposition (Richardson 1975). The elders saw current development schemes as part of a long historical process going back to the arrival of Europeans. The problem they focused on was that throughout this history, resource development was solely in the hands of outsiders and the needs of Cree people had been given little or no consideration. In short, Cree had no voice in decisions about the development of the resources of their region (Feit 1985a).

In response, the elders saw the opposition to the hydroelectric project in the context of the need to restructure long-term relationships with nonnatives. The goal was not to completely stop the project but to have an effective voice in modifying it so it would be acceptable to the Cree and to have an effective voice in all nonnative development in the region. Opposition to the hydroelectric project in the courts or in negotiations was an essential immediate means toward the long-term goals. The tone was conciliatory, the desired means were negotiation, but the change being sought was fundamental.

In a Cree view, the goal was obvious and reasonable as it expressed the essence of a responsible reciprocity that Cree value in all relationships: reciprocity that permits others access to resources they need but within a mutual respect for the autonomy and needs of each, so that all can survive in security and well-being. In this view, mature and responsible relationships respect the needs of others and demand such respect in return. The Cree thus neither sought sole control of land and resources nor did they deny access to nonnatives. Neither did they seek to retreat into a self-imposed isolation. In a Cree view, it was possible to maintain autonomy within an ongoing relationship.

They therefore did not see as incompatible outcomes the possibility of maintaining an autonomous self-governing society while participating in wider linkages so as to permit, and to benefit from, developments by nonnatives. Elders sought the security and wealth that would prevent the starvation known in earlier decades and that would give them a share of the wealth accumulated by nonnatives during centuries of fur trading. Younger Cree sought productive work for those who could not hunt full-time and a share of the wealth they knew was a taken-for-granted feature of everyday life for the sections of Canadian society they could see around them. And Cree did not see these as contradictory goals that could not be achieved simultaneously.

Cree opposition to hydroelectric development in negotiations and in courts led over a four-year period to the James Bay and Northern Quebec Agreement (JBNQA, also referred to as the Agreement) (Anonymous 1976). Completed in 1975, it was the first modern comprehensive aboriginal rights agreement in Canada and the first such settlement to explicitly specify a set of aboriginal rights, including the means thought necessary to maintain the relative autonomy of a group of indigenous hunters within a modern nation-state (Hunt 1978; Feit 1980, 1985b; Asch 1984). The negotiation process was a difficult one because while the Cree and Inuit were determined to maintain and enhance their self-governance and their hunting cultures, societies, and economies, they had to accede to the asserted rights of provincial and federal governments to promote the general development of the natural resources of the region and to assure a clear national sovereignty over the land and all the peoples thereon. These conflicts structured the framework in which the negotiations with Quebec provincial and Canadian federal governments proceeded.

The conflict was defined by two issues: development, which hinged on control of economic resources, and sovereignty, which hinged on the distribution of political power. On the one hand, government insisted that it retain the final authority over all development in the region, except on lands reserved for Indians, to assure that aboriginal people could not block regional development; government also retained final jurisdiction over legal and administrative authority applying to lands and peoples, although this authority was divided between the two levels of government and could be delegated to other governmental institutions. On the other hand, Cree insisted that the maintenance of their hunting societies depended on continuing access to, and protection of, the wildlife resources of most of the lands of the region, not just to those of the reserves, which covered only a

limited portion of their hunting lands. Further, they insisted on their need to continue, and indeed enhance, the areas over which they exercised self-governance, although this particular term was not used at the time (Feit 1980).

These positions had to be discussed through negotiation because neither side had the power to impose its views absolutely and without significant cost. From government's point of view, it was forced, by a partial Cree and Inuit victory in a court case against the James Bay Hydroelectric Project, to accept the fact that the aboriginal rights of Cree and Inuit had not been extinguished by any government action and therefore the aboriginal litigants were able to effectively ask the courts to intervene on their behalf against developers (Malouf 1973; Richardson 1975).

From the native standpoint, it was unclear whether the courts would maintain a strong definition of aboriginal rights and actually prevent development or merely recognize a usufructuary interest in the land, which would have a more limited impact on development activities. Given the parliamentary system, it was also clear that government legislation could extinguish, or more likely unilaterally define, what the aboriginal right was although not without a public outcry. These considerations made undefined aboriginal rights effective levers for court challenges to disrupt—if not permanently stop—development and for political protest. The same considerations made it unlikely, however, that a strict insistence on legal pursuit of aboriginal rights in the short or medium term would result in a fundamental redistribution of power within political structures or in adequate protection of the indigenous peoples from the immediate impacts of the ongoing development. In addition, the ongoing construction of the project put Cree and Inuit under significant pressure, because during the years a court case would take, they would suffer the impacts of the development, many of which would have long-term consequences.

The distribution of power and legal resources available to them, the ongoing construction of the James Bay Hydroelectric Project, and the overall package of benefits negotiated to support their hunting societies led the Cree and Inuit to seek a compromise within the framework of the negotiations when it became clear that they could not achieve a more comprehensive or just fulfillment of their goals. The main body of this chapter is a discussion of the short- and medium-term experience with the JBNQA and, more specifically, on the means it explores for reconciling conflicts over control and use of wildlife in the James Bay region of Quebec. This case material is used

to examine the possible limits of aboriginal autonomy within a developed liberal-democratic state. Before proceeding to specific case materials, I provide below a brief, general outline of the Agreement provisions.

OUTLINE OF THE AGREEMENT

The main areas of Cree concern, and therefore the main areas addressed by the Agreement, were (1) modifications to the plans for the hydroelectric project; (2) native control of land; (3) protection of hunting rights and resources; (4) enhancement of Cree self-governance; (5) establishment of a balance of government powers between Cree and provincial and federal authorities; and (6) control of future developments. In each of these areas, Cree negotiators worked extensively to explore possibilities for achieving goals within the constraints of the negotiation context. And although several innovative and important measures were developed, in other areas no effective agreements were found.

The insistence of federal and provincial governments that the James Bay region be open for development significantly limited the land base the Cree could negotiate. The provincial government took the position that land under Cree control, effectively owned, be limited to areas immediately around the settlements and adjacent hunting locations. No satisfying arrangement was reached on this issue. The maximum land the province would transfer to Cree control was only 5,500 square kilometers, called Category I lands, of the approximately 375,000-square-kilometer region. This area was sufficient to provide an effective base for community sites, some buffer against adjacent development projects, and protection that mineral developments in the areas could only proceed with native consent. Cree local governments would generally control access and residence on these reserve lands as well as use of forestry resources. The land provided through the negotiations, however, gave only limited natural resources that could form a basis for economic development and only very limited protection for the hunting economy.

Cree negotiators sought to reduce their dependence on government authority and administration and to take more control of their own affairs through enhanced self-governing institutions. They thus negotiated with the governments for recognition of their rights to govern their own affairs in their communities and the need for new regional government structures but within the sovereignty of the existing Canadian state. Cree were a minority in their region, comprising ap-

proximately 7,000 people distributed in seven settlements in the James Bay territory, as opposed to 20,000 Euro-Canadians. They therefore sought regional autonomy and self-determination through the formation of distinctive, ethnically defined governments and boards with authority over Cree lands, which would assure native control and administration of their affairs under legal provisions established in the negotiations. This pattern was generally acceptable to government because it was compatible with their sovereignty; it transferred the Cree from federal to provincial jurisdictions, a goal being sought by both levels of government; and the province was prepared to accept the decentralization of provincial responsibility to regional boards and governments.

At the community level, the Cree got agreement that there would be special legislation for a Cree Act extending the powers of their band councils in new community governments and replacing the provisions of the existing national Indian Act. Among the provisions were (1) communal decision making, a reallocation of powers between the community as a whole, the band council, and the Minister of Indian Affairs to better conform with Cree values, and (2) additional powers over lands. In addition, a Cree Regional Authority would be established, controlled by representatives elected by the communities and mandated to manage compensation funds provided by governments. Several regional service administrations were also to be established, a Cree school board, a health and social services board, and police units within the provincial system; also, changes were to be made to the existing administration of justice. The education board would be established under provincial legislation but would be run by Cree members who would hire the school administration and teaching staff. In addition to the regular authority of provincial school boards, the elected Cree board would also have several special powers including discretion for hiring native teachers without completed teacher qualifications, instruction in their own language, development of a special curriculum, and alterations to the school year schedule. Similar special modifications were provided for other boards. The effect of these provisions was to give Cree substantially increased control of their own government and of the administration of basic services (for a different assessment of the effects, see LaRusic et al. 1979).

These complex and detailed negotiations also emphasized the diversity of the linkages that already existed between the Cree and the political and economic institutions of wider Canadian society. Key institutions of Cree self-governance, including existing band councils

and new regional authorities, were already then established in Canadian law and required specific negotiations to modify or establish them. Basic education, health, social, and security services were already common in Cree communities, but their terms needed to be further negotiated to establish adaptations both to Cree needs and values and to Cree control. The extent of the shift, in the previous few decades, from relatively "traditional" foraging societies to societies with relative and changing forms of autonomy within a network of ties to wider systems was clear as Cree sought to systematically restructure those relationships.

The discussions also provided for monetary compensation and economic development for Cree. Their share of compensation funds was to total \$137 million (Canadian, hereafter C\$) over twenty years. This was over and above the several tens of millions of dollars spent each year by governments for education, medical care, social services, housing, community infrastructures, and other services provided to Indian peoples by the Canadian state. In addition, specific moneys were to be available for the promotion of economic enterprises, and special funds were to be used for remedial works. With respect to project modifications, the Agreement included several changes to project plans. But these changes were not numerous or of large scale, so it was essential to provide funds for remedial works to be undertaken as future impacts were experienced. Cree negotiators, however, agreed only to a detailed description of the hydroelectric project. Because the project was still being planned, this assured that any future changes would require the consent of Cree regional authorities; in fact, this has provided an opportunity for occasional Cree responses to ongoing project design. These project modifications reduced the direct consequences around villages and assured future participation for Cree; but they also meant that the project would go ahead, substantially as planned, and that substantial impacts on the land and wildlife of the region would result. Despite major efforts by Cree negotiators, no other major project modifications could be agreed on.

The main legal provisions of the Agreement provided for eventual Cree and Inuit withdrawal of legal opposition to the hydroelectric project and of claims to other undefined land rights; they also provided for recognition by both governments of the rights spelled out in the Agreement. The detailed legal structure of the Agreement, involving over 450 pages of text and eventually requiring dozens of new laws and modifications to existing legislation to give it force of law, is also a testimony to the complexity of linkages in which aspects of Cree society had become embedded.

The agreement reached after two years of negotiation and discussion in Cree villages was taken back to each Cree community for approval or rejection as a whole. People did not consider the Agreement to be fair or just but thought it would increase their chances of maintaining their culture, society, and economy—given the alternatives—and all Cree communities accepted it. The key parts of this acceptance were provisions for the hunting, fishing, and trapping rights of Cree.

PROVISIONS OF THE JBNQA FOR MANAGEMENT AND USE OF WILDLIFE

I will examine the provisions of the Agreement relating to hunting, fishing, and trapping in some detail to better identify the constraints on Cree self-governance within Canada and to assess the opportunities and effectiveness of negotiable measures designed to enhance long-term pursuit of self-governance within the existing constraints. Discussion of the provisions of the Agreement relating to self-governance and management of wildlife focuses on five areas of conflict: recognition and definition of basic rights of native hunters; management of wildlife resources; allocation of resources among conflicting users; provision of adequate cash incomes for indigenous hunters; and protection of renewable resources from the effects of nonrenewable resource development. Each problem area, with its practical responses, is set briefly into three contexts: (1) the relation of the problem to capitalist or nation-state formations is identified; (2) the possibilities for relative autonomy inherent in those formations that the responses try to exploit, as well as the constraints on those possibilities, are identified; (3) the extent to which these responses have mobilized and enhanced, or endangered, Cree autonomy is also indicated.

RECOGNITION OF RIGHTS OF NATIVE HUNTERS

Throughout much of Canada, no basic and inalienable native right to harvest and use wildlife resources is recognized. Native peoples are accorded various rights to use renewable resources by the Crown; the rights so accorded are, in the view of government, subject to change by the will of the Crown alone. In the past, the exercise of the Crown's authority has been constrained only partially, mainly by political considerations and by treaty obligations in certain areas. Indigenous peoples, however, have consistently asserted their aborig-

inal rights, including a right to harvest and use renewable resources, not subject to government authority (Usher 1984). The aboriginal peoples' rights and responsibilities arise through spiritually and socially sanctioned relationships to land, animals, and God (Feit 1986). In the view of Cree hunters, their rights are received from God and are grounded in the order of the world; to them, these rights and responsibilities extend to all humans. Reciprocity is the central idiom of resource use—reciprocity between men and animals, reciprocities within Cree communities, and reciprocity between Euro-Canadian and Cree users of the land (Scott 1983). Such reciprocity is manifest, in the Cree view, in the respect shown to God, in the respect with which animals and environments are treated, and in the respect with which each resource user should treat the needs of other resource users.

The standard Canadian formula of recognizing hunting rights on unoccupied Crown lands is clearly inconsistent with this view as well as inadequate for maintenance of renewable resource-based economies, as the history of nonnative occupation of southern Canada has indicated. It was therefore necessary to develop alternative legal formulations of indigenous harvesting rights during negotiation of the Agreement. The Agreement had also, in the Cree view, to recognize the Cree's own culturally distinctive system of rights and privileges. The negotiated agreement provides for a native right to hunt, fish, and trap—called a right to harvest—all species of fauna, at all times, over all categories of land in the entire territory used by Cree, wherever this activity is possible physically. The right to harvest includes the right to conduct all of the hunting, fishing, trapping, and related activities that the Cree people are now pursuing and have traditionally pursued. This was intended to codify, in modern terms, aboriginal hunting rights and to give them legal force binding on governments at all levels.

The one significant constraint on the right to harvest is that it is subject to the principle of conservation, which is specifically defined in the Agreement; "Conservation means the pursuit of the optimum natural productivity of all living resources and the protection of the ecological systems of the Territory so as to protect endangered species and to ensure primarily the continuance of the traditional pursuits of the native people, and secondarily the satisfaction of the needs of non-native people for sport hunting and fishing." In essence, the principle of conservation provides that the right to harvest may be limited only under specific conditions in order to protect endangered species and ecological systems. These limitations are essential to the

reconciliation of the interests of the governments and those of the indigenous population. The principle signifies the acceptance by both indigenous peoples and governments of the priority interest in protecting wildlife and environments, and it binds all action by Cree and governments.

The rights and the principles were binding because they are stated both in the Agreement and the laws that give legislative force to the terms of the agreement. The legislation is subject to parliamentary politics and discretion; however, because this legislation does not replace the Agreement, because the Agreement states that the legislation must reflect the provisions of the JBNQA, and because the Agreement is a legally binding contract between the Cree and the governments of Quebec and Canada, any change in the provisions must involve changes in the Agreement. Changes can be made only with Cree consent. Recourse in the event of a breach of this contract would be to the courts. More recently, the JBNQA has been given standing under the Canadian constitution, placing it beyond the powers of parliament and effectively denying the possibility of unilateral changes by any one government.

The right to harvest, as set out in the JBNQA, was also intended to give legal recognition to the Cree system of hunting and to provide the basis for hunters to pursue their way of life according to their own culturally ordered knowledge, decisions, and activities. The agreement does not try to codify or define the Cree cultural system but recognizes its existence and its key structures: the system of hunting territories and of "owners" of territories, which are called, respectively, "traplines" and "tallymen" (Tanner 1979; Feit 1986). A trapline is defined as an area in which harvesting is conducted under the supervision of a Cree tallyman. A tallyman is defined as a person responsible for a trapline and recognized by a Cree community. These definitions incorporate the essential cultural concepts and practices of Cree use and management of wildlife without forcing the specific features of the system to be codified; these features are, therefore, left flexible for definition and adaptation by Cree. The complex system of socially distributed rights and privileges to land and resources, expressed as normative rules as well as in everyday processes of dispute and decision, is thus alluded to but not directly altered.

The agreement that was struck by the JBNQA definition of harvesting rights was accepted because it provided an acceptable series of compromises on several issues but especially those relating to sovereignty: (1) it recognized Cree rights but left open the question of the source of those rights, a form that did not make them dependent

on a delegation of government authority but that also did not challenge government sovereignty by asserting an alternative source of legitimacy; (2) while not challenging sovereignty of government, the rights limited governments' claimed rights to unilaterally change Cree rights and thereby limited future exercise of government sovereignty; (3) both Cree and governments submitted themselves to a principle of protecting animals and wildlife; and (4) government recognized the indigenous Cree system of management of land and wildlife resources. These provisions have generally worked to date, although I will note below problems in the pursuit of conservation.

MANAGEMENT OF WILDLIFE RESOURCES

In northern Canada, values, goals, and methods of conservation and wildlife management differ among the culturally distinct populations of the area; in turn, these differ from goals of and methods used by government-mandated wildlife managers (Berkes 1977, 1981a, 1982). My own research among the Waswanipi Cree of Quebec emphasized the structure of one indigenous Cree hunting system. This system not only serves to constrain the use of wildlife resources but also, at least under certain conditions, serves to manage the resources (Feit 1986).

In general, the research on Cree hunting activities supports the conclusion that the Waswanipi seek to manage resources, and biological indicators support the conclusion that they usually achieve this objective. An important factor in this success is the extensive knowledge that senior hunters have of the land and wildlife they hunt. This knowledge comes from observing trends in game population indicators and harvests over many years. Harvests are adjusted in response to these trends. The observed indicators of moose and beaver populations include trends in numbers of animal signs and sightings, numbers of moose yards and beaver colonies, sizes of aggregations or colonies, age and sex structures of animals, frequency of births along with frequency of twinning in moose, the size of cohorts among beaver (judged in part from observations of placental scars during butchering), and the general health of animals. These are precisely the kinds of data that nonnative game managers try to get in order to manage moose and beaver populations. Senior Cree hunters who have returned frequently to the same hunting territories and who know in great detail these distinct tracts (which average about 1,200 square kilometers) have more detailed knowledge of the game populations they hunt and manage than nonnative game man-

agers can usually have for the vast tracts under their management and intermittent observation (Feit 1986). Cree argued that their capabilities as managers should be acknowledged in the structure of the JBNQA.

Cree knew that their indigenous system of wildlife management was also highly resilient and adaptable but that this did not mean it was complete or sufficient in itself. Research has identified several conditions under which indigenous management systems require alteration: loss of control over resources, rapid technological change, commercialization of subsistence uses, and rapid population growth (Berkes 1981*b*). In northern Quebec, the indigenous management system, based on hunting territories or traplines, has existed at least since the beginning of this century, and there is good evidence of its existence at the beginning of the last century as well as plausible grounds for assuming it to have existed under certain conditions in the period before contact with Europeans. During this century, there have been successive intrusions by outsiders who have threatened conservation of the resources. There has also been extensive technological change, increased pressure for commercialization, and rapid population growth. Moreover, there has been the introduction of new consumer demands, nonnative-controlled education, more sedentary life-styles, extensive land-based development, and increased bureaucracy. The wildlife management system has, however, been maintained.

Cree have had to respond to these various changes. Although it has not always been possible to maintain the system with respect to all species, they have abandoned it only in those times, under those circumstances, and for those species for which it was temporarily not possible to continue management practices. For example, when there were competing fur trappers in the 1920s and 1930s, the Waswanipi Cree feared loss of control of the resource and appear to have trapped out beaver and marten. However, they did not overhunt moose or other furbearers. Simultaneously, they petitioned the government to restore their exclusive use and effective control over resources so that they could reestablish beaver populations and return to good management practices (Feit 1984, 1986). Various changes resulted from these events, some of which made it appear to outsiders, especially government wildlife managers, that fundamental control of wildlife had shifted to government. In practice, only the Cree had a sufficiently detailed knowledge of trends in local game populations to be able to manage them, and any local and detailed management by government agents was not enforceable if it was not supported by Cree tallymen.

In the widely decentralized system of hunting territories (there are about 300 in the James Bay region of Quebec), only the most general and ineffective regulations can be enforced by a centralized authority. This situation provides an incentive for reconciliation between competing interests in the management of wildlife; Cree cooperation is essential for effective management.

But if the fact that it can be regulated only by decentralized "owners" of hunting territory is a strength of the Cree system, this is not to say that it can be isolated from outside interventions. History shows that the actions of nonnatives can disrupt the system. The historical limitation of the system lies in its ability to regulate only the activities of members of the indigenous community, and this is why recognition of the system in the JBNQA was insufficient. Means were still needed to regulate non-Cree use and the effects of this use on wildlife. Governmental authority and cooperation were therefore also essential for effective management. This situation provided additional incentive for the expansion of efforts to achieve reconciliation. There was a need to articulate the indigenous systems with management systems designed to regulate nonnative activities; there is mutual benefit in recognizing both systems. Therefore, the JBNQA, besides protecting hunters' autonomy by recognizing Cree rights and their culturally defined system, also recognized that there would have to be new structures and principles for articulating that system with government powers. Most of the specific provisions of the JBNQA are designed around this latter need. The structures are needed to continually regulate nonnative hunting and resource use with respect to the numbers of hunters and to the times, places, and sizes of their catches. The establishment of such structures was acceptable to Cree because it recognized primarily the need to regulate nonnative wildlife resource use and only secondarily Cree uses.

Given the effectiveness of indigenous management, the Agreement recognizes that there should be as little interference with Cree use as possible. Because harvesting is limited by the principle of conservation, so long as Cree conservation is effective, Cree are considered to be complying with this condition. Interference with Cree practices can occur only if and when one party—native or government—claims (and can plausibly show) that a conservation problem exists, whether it is caused by native or nonnative peoples. Depending on the nature of the problem, its solution may or may not involve alterations in Cree practices for the short or long term. When it does involve alterations, conservation decisions affecting native peoples will be implemented first through guidelines or advisory programs or both,

which amount to specific encouragements within native self-regulation. If these mechanisms are not effective or if they are inappropriate, government regulations may be used. However, regulations must be used in such a way as to create a minimum of interference with native peoples and harvesting activities. If regulations do not conform to this pattern, they are unlikely to be fully or even extensively enforceable. The underlying assumptions are that the new structures will come into play only when problems arise and that, when they are needed, the Cree people and the appropriate governments will wish to see the problem resolved to protect the resource.

The major area of conflict was the relative authority of native and nonnative institutions in these regulatory structures and processes. Cree wanted final decision-making authority or shared authority; federal and provincial governments claimed such authority as an aspect of sovereignty. The idea of coordinating management through a joint committee developed in response to this confrontation but failed to settle the issue of who would control the joint system and have the authority to take and implement decisions. With little common ground on this issue, the only proposal on which Cree negotiators could obtain agreement was that for the establishment of a coordinating committee with equal representation for the interested parties. This would be primarily a consultative body. The provincial and federal governments retained a final decision-making authority for most, but not all, issues; however, their authority would be constrained. The goals and principles for management decisions, such as conservation and minimal impact on Cree activities, are legally binding on government decision makers, and a complex procedural system of consultation must be followed before advice of the joint committees can be set aside. This system respects government sovereignty while significantly constraining any exercise of that sovereignty which might negate Cree rights or benefits.

Although key tests have not yet arisen, this system appears to be only partially workable in practice. The system is complex and bureaucratic; when it is not used in an atmosphere of goodwill, those using it can lose sight of issues in a plethora of procedures and rights. Furthermore, where there are significant conflicts between interests expressed by Cree and those expressed by governments, the system tends to inaction or slow action on the part of governments. Inaction has become a major tool of the governments for avoiding their legal obligations, thereby making it more difficult for Cree to bring court challenges based on contentions that government has acted in violation of the Agreement. Government does not, therefore, always

respond effectively to Cree needs and sometimes undermines Cree rights (Feit, n.d.).

Beyond this, government has not always acted in the interests of conservation and has often responded primarily to political pressure from nonnatives rather than to conservation needs. To this extent, a fundamental assumption of JBNQA negotiations—that conservation was a shared priority goal—has not been systematically confirmed by experience with the implementation of the Agreement. Furthermore, the coordinating committee is still often treated as a body that is consulted only casually and after major policy decisions have been made rather than as an integrated system of advice with a role in all stages of government policy development and implementation. While some improvements have occurred as the process has been longer in place and as experience with it develops, it has, nevertheless, remained a largely paternalistic and only sometimes responsive process. The extent of governmental and bureaucratic backtracking and violation of specific provisions of the Agreement has raised questions about whether inherent trust in the responsibility of the governments to fulfill their commitments, essential to the effectiveness of even a detailed and legally forceful agreement, can be expected (Feit, n.d.). This finding has important implications for the use of legal structures to formalize and regulate relationships between indigenous peoples and nation-states, a point not lost on other indigenous groups seeking negotiations within Canada.

REGULATION OF CONFLICTS BETWEEN NATIVE AND NONNATIVE USERS

Conflicts between native and nonnative users of wildlife are common in many, but not all, areas of the North (Brelsford 1980, 1982, 1983*b*; Usher 1981, 1984). In the James Bay region of Quebec, where the conflicts have long standing and are already deeply entrenched, the basic question of how resources will be allocated is of central concern to the Cree. The first key to dealing with these conflicts is agreement on the relative merits and strengths of claims made by various user groups. This relative ranking is largely a political process, shaped at various times by legal and ideological features of both societies. In the last decade, the principle of priority for native use has gained ground. It is still clouded, however, by questions of whether it applies equally to all indigenous peoples or only those with treaties or specific legal statuses within Canadian law, whether there should be an economic means or subsistence test, whether the priority should include nonnative peoples with similar life-styles if

not similar social communities, and whether the priority applies to only subsistence uses or includes various exchange, monetized, or commercialized uses.

Recognition of native priority was a key to agreements on each of these points, as indicated above and as codified in the definition of conservation previously cited. Various mechanisms were established to regulate conflicts and allocate resources according to these priorities. One provision was intended to limit the extent of potential conflict by reserving certain species and geographic areas for native peoples; the second was to establish a mechanism to put into operation the priority allocation of resources for native harvesting over sport hunting and fishing; and the third was to design an outfitting regime that would provide an important degree of practical native control over aspects of nonnative hunting and fishing activities.

The measures for priority of harvesting guaranteed the native peoples a minimum fixed level of harvest, if permitted by animal population levels. This provision would effectively cut off sport hunting or fishing when animal populations declined and would reserve the entire available catch for the native peoples, thereby protecting subsistence production during the period of greatest vulnerability. The fixed level of guaranteed allocation was acceptable to the native peoples, however, only when it was linked to additional provisions stipulating that larger kills were possible when warranted by game populations and that allocations to native and nonnative hunters above the guaranteed level would be based on need. Because it is impossible in practice to guarantee actual harvests over time, the mechanism finally adopted provides for governments and native peoples to establish fixed, guaranteed levels of permissible harvests to natives. These levels are to be based primarily on the results of a joint research project concerning native harvests of wildlife during a seven-year period (James Bay and Northern Quebec Native Harvesting Research Committee [JBNQNHRC], 1982). Once the guaranteed level is established, it will determine partly how the permissible kill in any one year may be allocated among native and nonnative users. When the estimated permissible kill from a wildlife population in a given year is equal to, or less than, the guaranteed level, the entire kill will be allocated to the native peoples. When the permissible kill of a wildlife population in a given year is higher than the guaranteed level, native peoples will be allocated at least the guaranteed level; the balance of the permissible kill will then be divided between the native peoples and nonnatives according to their needs, provided that some of the balance is allocated to nonnatives. This mechanism for giving priority

to native harvesting should provide a major means of controlling the actual kill by sport hunters and fishermen and of limiting conflicts with native hunters. The mechanism will be used only when conflicting uses create a conservation problem. Furthermore, although quotas are given priority as the means of implementing allocations, other management techniques can be used in ways consistent with these principles.

The legal and technical complexity of these provisions indicates the difficulties of formally encoding in specific and potentially legally defensible procedures even a simple principle, such as the recognition of the priority of native rights and needs over those of other resource users. It was thought that this combination of measures could regulate and restrict conflicts between native and nonnative users and that if it did not, the provisions were such that they could be the basis for court challenges to government violations. In practice, the verdict is not yet in, but two items have become problematic—the lack of personnel and funds for policing nonnatives and the tardiness of governments in enforcing the provisions (Feit, n.d.).

The compromise provisions of the JBNQA are based, in part, on the assumption that governments and native peoples take the conservation of renewable resources as an important objective. The extent to which provisions of the Agreement have not been quickly or fully implemented by responsible governments, particularly provincial government, reflects the fact that government sometimes has ignored its responsibility for the conservation of renewable resources of the territory or has made it subsidiary to its political interests, as indicated above. Legal action has already been required to enforce certain of these provisions of the Agreement and more may be required in the future. Legal and political action will test the defensibility of these specific Agreement provisions.

PROVISION OF ADEQUATE CASH INCOMES

Native peoples in the Canadian North who continue to depend extensively on renewable resources have also come to depend on complex, extensive, and direct interactions with the Canadian market economy. They now depend on imports of some, although clearly not all, important and sometimes specialized components of their hunting technology and of materials to operate and maintain these components. They depend on the use of various commercial services, particularly in transportation and communications. They depend on use of imported foodstuffs to make up any difference between har-

vestable resources and the subsistence requirements of a growing population. All these imports require substantial annual cash incomes (Berger 1977; Asch 1982*a*, 1982*b*; Salisbury et al. 1972*a*, 1972*b*; Feit 1982).

Cash incomes have come from several sources. Income from the sale of harvested products—most important are furs—is highly unstable because prices respond to unpredictable variations in international economic cycles as well as shifts in fashion and, more recently, the market impacts of public movements protesting the killing of animals. Government transfer payments have, since the 1940s, cushioned the effect of the unregulated market cycle on incomes but have not always kept pace with rises in import outlays. In addition, governments have attempted repeatedly to use dependence on transfer payments as a lever to force northern native peoples to comply with government development policies. Because these policies have typically either sought or assumed the demise of the harvesting economy, the effects have, in most cases, been detrimental to the support and maintenance of harvesting and income from harvesting (Feit 1986). Some important counterexamples can be cited, but it was clear to Cree negotiators that some insulation from economic markets and from economic effects of changes in government administration and policy was required.

The economic problems of hunting were addressed in JBNQA sections dealing with the Income Security Program (ISP), the Cree Trappers' Association (CTA), and the provision for a corporation to undertake compensatory and remedial works, the La Grande Complex Remedial Works Corporation (SOTRAC). ISP is the key provision here, intended to provide sufficiently generous cash payments to Cree hunters to reduce their dependence on fur prices in the world economy and on government controlled transfer payment programs. JBNQA states that the objective of ISP is to "ensure that hunting, fishing and trapping constitute a viable way of life for the Cree people and that individual Cree who elect to pursue such a way of life shall be guaranteed a measure of economic security" (Anonymous 1976). ISP could only be used to accomplish this objective, however, because it was integrated into JBNQA, which contained the other provisions briefly mentioned above. The effectiveness of a cash payment to hunters depended on hunters having a right to hunt that could not be removed at the initiative of governments, on a continued priority access to wildlife resources, on continuing Cree wildlife management, and on regulation of the effects of future development (see below; Feit and Scott, n.d.; LaRusic 1979).

The general effectiveness of ISP payments depends also on the availability of the goods, services, and infrastructure necessary for hunters to make effective use of the funds available to them. This is the role of SOTRAC and CTA. These organizations, individually and jointly, can provide infrastructure, needed goods and services, and wildlife and harvest monitoring services. SOTRAC is funded by the James Bay Energy Corporation. CTA has been funded by joint contributions from the governments of Quebec and Canada and from the Cree themselves. Without these provisions of JBNQA, ISP could not contribute effectively to reducing the dependency of Cree hunters on world economic conditions and government welfare policies. Even with these provisions, it can only reduce, not eliminate, such dependencies (Feit 1983).

The actual amounts paid each year are indexed to the cost of living; in 1982–83, they amounted to C\$23.64 per adult for every day spent in harvesting or related activities outside a settlement. The minimum number of days that can be paid to an individual is in effect 90, and the program establishes a limit of 240 paid days per annum per recipient. To the per diem amount, a second amount may be added, based on the difference between a basic guarantee, related to family size, and the total income of a family unit. The average ISP benefit paid during 1982–83 amounted to about C\$8,500. And total benefits paid during the year amounted to about C\$9.5 million.

The program is often justified in government literature as a means of reducing welfare payments and at the same time increasing productive employment. It should be noted, though, that the employment it creates is effectively outside the labor market (Scott 1979). Eligibility for the program is based on hunting activities of the previous year, and although the rules offer diverse criteria, most beneficiaries establish eligibility by spending at least 120 days in hunting or related activities, of which 90 are spent outside the settlements. The agreement established an overall limit to the total number of man-days payable annually under ISP so as to set an upper limit on costs to government. Since its initiation, this limit has been raised three times, and a procedure for future changes is now being discussed.

The incorporation of ISP into the framework of Cree claims settlement made it possible for the program to be structured in a way that would limit some of the dependencies inherent in other transfer payment programs. The costs of ISP, both program benefits costs and administrative costs, were to be paid by Quebec under the terms of the Agreement. In this sense, ISP is another transfer payment pro-

gram and runs the risk of creating dependency of the kind experienced by Cree under previous welfare programs—dependency on funds controlled by changing government policies and politics. When the Cree negotiated ISP as part of JBNQA, they attempted to use the negotiations and the Agreement itself to limit this kind of dependency. As ISP is defined in the Agreement, it cannot be unilaterally changed by governments. In addition, ISP is not administered by the government that funds it but by a separate corporate entity, the Cree Income Security Board, made up equally of Quebec and Cree appointees, with a rotating chairmanship. The obligation of the Quebec government is to transfer the funds needed each year to the accounts of the ISP board. The board is also given considerable authority to implement and, where necessary, interpret and review ISP and its operations, in accordance with legislation and the Agreement (Feit 1983).

To summarize, the incorporation of negotiations over ISP within the framework of comprehensive aboriginal land claims negotiations permitted integration of ISP into the package of regimes, programs, organizational structures, and benefits thought to be necessary to assure the economic viability of hunting. It also made it possible to establish a program that, although funded by government, is significantly independent of government policy and politics, is jointly controlled and administered by the government and representatives of the beneficiary population, and legally encodes the specific rights of individual beneficiaries.

The actual impacts of ISP have been quite extensive. It has increased the number of Cree people who make hunting their main activity by about one-third. During the first year of ISP operation, people who had not hunted intensively during previous years could still register for ISP, if they declared an intention to hunt intensively. ISP initially, and almost immediately, increased the number of people hunting intensively from approximately 700 to 900 on average, or about 29 percent. The program therefore initially met the goal of enhancing participation in hunting activities by Cree (Scott 1977). To put the overall level of ISP participation in perspective, in 1982–83, when 1,122 beneficiary units were registered, they represented about 43 percent of the resident adult population of Cree villages. Variations between the eight Cree communities were considerable, however, ranging from approximately one-fourth to over one-half of community population of ISP. The amount of time hunters spent in the bush also increased significantly with the introduction of ISP and has risen slowly since that initial increase. In the first year of operation of the ISP program, the average amount of time beneficiaries spent in the

bush increased about 25 percent over the time they had spent in immediately previous years. Since then, there has been a further 10 percent increase.

To give some idea of the extent of participation in bush life typical of ISP beneficiaries, the average number of days spent in the bush by hunters in 1978–79 (the last year for which there are full data) was over 235, or almost eight months. Over 50 percent of ISP hunters spend more than 7.5 months in the bush, and more than 75 percent spend more than half the year. The substantial increases in average time spent in the bush, therefore, came on top of an already time-intensive pattern of hunting that was common in Cree communities.

ISP has enhanced traditional social forms and practices. In particular, there has been a modest increase in the numbers of families going to the bush as groups, and the practice of women staying behind in the settlement, which had been growing, is now relatively infrequent, except when motivated by medical or employment concerns. There has also been a continuation of the practice of multifamily hunting groups as the main residential units in the bush. In some communities, there are clear indications that the numbers of women and children in the bush have increased and that the number of bush camps established has risen with the increased number of hunters and families. In this respect, the program has met another explicit Cree objective, the general maintenance of the traditional social organization of hunting (Scott 1977, 1979; Feit and Scott, n.d.). However, at the community level, there have also been several changes in social organization, most related to the emphasis the growth of hunting activity has put on coordinated decision making. As a result of the needs for greater coordination, community level decisions concerning hunting land and wildlife have become more formalized. Such decision making has developed because it meets a need that results from the increased intensity and use of land and resources.

Nevertheless, knowledge of the Agreement, and therefore of French and English, and knowledge of the administration structures set up after the Agreement, have become important resources in this decision-making process. As a result, middle-aged, and some younger, men probably have greater influence in the process than formerly. But it is also important that all of the active participants in decisions are intensively engaged in the hunting economy, so that decision making directly about harvesting rests with hunters and not with administrators. It is also the case that hunting activities are profoundly affected by decisions concerning other development activities, decisions that were formerly taken outside the communities and

without Cree participation. Now there is frequently a Cree role in these decisions. Native communities and organizations now actively undertake some forms of land-based economic development, on their own or through various forms of joint ventures, and they play a role in decisions concerning development initiated by others. In these cases, Cree participation is often through Cree and nonnative administrators working for Cree organizations, and hunters often have a limited role (LaRusic et al. 1979). Interviews in the communities suggest that hunters are often not satisfied with this process. In this area, the Agreement has changed decision making, creating some Cree participation but without assuring the full and effective participation of the full-time hunting sector of Cree communities. This is a problem the hunters thought the Agreement would resolve, but this has not occurred.

The introduction of ISP has led to substantial increases in local bush production of housing, specialized equipment, clothing, heating, and other bush services, including bush education and probably some traditional medical practices. This increase has occurred in both total production and per hunter/family production (Scott 1977, 1979). There have also been substantial increases in the uses of goods and services imported into Cree communities from the industrial economy of Canada. The emphasis here has clearly been on goods and services that increase the efficiency or security of bush life, but consumer goods have also increased. Items that aid transportation and communication have been especially heavily used. The long-term implications of this overall growth in the use of imported goods and services are not yet clear. Although this growth was not started by ISP, it was accelerated by the program (Brelsford 1983a). It is likely that certain of the goods and services now being used are coming to be seen not only as welcome additions to a hunting way of life but also as indispensable necessities. ISP was intended to stabilize this trend and insulate it from cycles in the industrial economy and from manipulation of the markets on which Cree depend. It seems likely to have done this, because the major cash incomes needed by Cree to purchase these goods and services now come from ISP.

But, at the same time, ISP has led to additional use of industrial imports and raised the threat that if the latter increases lead to a cycle of consumerism within Cree society, this could work against any stabilization and buffering effects. The long-term outcome is not yet clear. On the basis of limited data available from some communities, it appears that recent trends have necessarily been toward a reduction in the initial rapid growth in consumer expenditures that immediately

followed the introduction of ISP and toward a stabilization in the growth of consumer goods consumption. Whether this is a long-term trend or simply a response to slower growth in incomes is not entirely clear, but a decline in comments about needed increases in ISP benefits in the last several years points to the latter.

ISP has permitted and helped the hunting sector of the Cree regional economy to expand during periods of recession in its employment, enterprise, and administrative sectors and to engage a larger number of Cree in intensive hunting activities. In 1982–83, the number of ISP beneficiary units rose from 929 the previous year to 1,122, an increase of 21 percent. I understand that this number rose again somewhat in 1983–84. About half were men joining ISP, probably for the first time, and many of these were young. In several communities, people feel that the recent rapid increase in the number of young people entering the program is related to declines in alternative economic opportunities in the present recession. How many of these young people will stay on practicing intensive hunting if employment is again more readily available cannot now be predicted. What is important is that the structure of ISP has worked so as to permit a rapid increase in levels of participation. This repeats the role hunting has played in the recent history of the Cree—the stable and secure economic sector, the one able to absorb some of the underemployment created by cycles in job markets. ISP clearly cannot absorb all, or even most, of that underemployment, however. Even so, the relative stability of hunting is perceived by some hunters as another indicator of its continuing long-term viability and importance to Cree.

ISP has created an increased confidence in the viability of the hunting way of life, and this is reflected in an increased encouragement to young people to pursue it (Feit and Scott, n.d.). Statistical data on the number of children being taken out of school to spend one or more years in the bush have been extremely limited. Existing data indicate that preschool children are now more frequently in the bush, whereas those of school age are at least as frequently in the bush as before ISP. The long-term effects of this pattern cannot be precisely predicted, but it is a good indicator for a potentially positive future for recruitment to intensive hunting. Finally, ISP has not resulted in any general or widespread overutilization or depletion of game resources, and the Cree system of hunting territory management by territory “owners” has generally continued to work to regulate harvests and conserve wildlife (ibid.). In summary, to date, ISP has been an effective means of maintaining, enhancing, and securing the subsistence sector of Cree economy and society, although the social

changes accompanying the implementation of the Agreement have not fully met hunters' expectations.

PROTECTION OF RENEWABLE RESOURCES FROM THE EFFECTS OF NONRENEWABLE RESOURCE DEVELOPMENT

There is clearly no long-term future for renewable resource-based economies in the Canadian North if there is not, in fact as well as in policy, a real priority given to renewable resources in decisions about how nonrenewable resources and land are to be used in the region. Unless rights to have and to use renewable resources can be given more political weight, based on recent history, the prospect for northern development is not promising. There has been an extensive series of government policy statements and regulatory regimes designed to afford protection to at least some components of northern ecosystems. We have also seen the development of and, in many cases, the adoption of a range of tools to assist with the making of decisions and choices among various development objectives such as multiple use planning, land use planning, environmental and social impact assessment, and a plethora of others. Yet the history of northern development has shown that the key considerations in decisions concerning whether, where, and how projects and explorations have been undertaken have not been environmental considerations (Usher and Beakhus 1973; Freeman and Hackman 1975). A series of investigations over the last decade has made it increasingly clear that policy statements and tools of decision making and administration have not been effective means to do more than moderate and, where possible, remedy the effects of nonrenewable resource developments. We have not yet seen the political will, or a sufficiently large lever, to alter the balance.

JBNQA uses most of these techniques in northern Quebec as well, and concerns with their effectiveness exist here too. On economic, ecological, and social grounds, I see reasons to believe that controlled development could be quite extensive and yet still be compatible with needed environmental protection as well as being of potential benefit to native peoples in the North (Salisbury et al. 1972b; Salisbury 1986). An effective way to assure the establishment of this balance has been elusive, however. Several types of provisions were negotiated in JBNQA in an attempt to help Cree hunters continue their activities and economy despite the effect of development. As I have already indicated, harvesting rights were recognized as exercisable wherever

physically possible, subject to certain limited restrictions. This recognition assured that the legal taking of land for development purposes would not, in itself, preclude use of the land. The key problem was the actual physical transformation of the land and its wildlife resources by development activity and the effects of such transformations on harvesting activities (Salisbury et al. 1972b; SSIDCC 1982). Future development was subjected to social and environmental impact assessments and to ongoing environmental quality review, but final decisions on development rested with the responsible governments.

To survive the effects of the reduction of wildlife populations that would accompany even regulated development, native peoples clearly need access to other currently underused wildlife resources. In the James Bay area of Quebec, despite the maintenance of an intensive modern hunting society, despite the fact that all land was being used on some regular and recurring basis, and despite the fact that populations of some species were harvested very intensively, there remained significant opportunities to intensify the use of some renewable resources. There were important limitations on these possibilities as well, including limited biological productivity, low harvesting efficiencies, high cash costs, and cultural acceptability. There was no clear basis for claiming that the underused resources were fully equivalent in quality to those damaged, nor was there any assurance that they were equal in quantity to those that could be made unproductive by continued development in the long term. However, the need to provide immediate access to those wildlife resources that were available and were desired by Cree was clear.

Access to alternative wildlife resources could be provided in several ways. One attempt was to establish ISP, which provides hunters with the means to maintain, modify, or expand harvesting activities in changing circumstances. The funds made available to hunters could be used to finance travel to more distant or isolated wildlife resources, to improve the efficiency of harvesting by improving equipment, and to provide an increased level of security in the bush during a time of disruption caused by development. This buffer will work only at a general level. It will not reduce the effects on individual native hunters whose traplines are adversely affected by development. To date, the general provisions appear to have worked at the community level, although some individual hunters have experienced severe disruptive impacts. Between 1974–75 and 1978–79, no downward trends in total available weights of food from harvesting occurred in the affected

Cree communities (JBNQNHRC 1982). Nevertheless, the effects of future hydroelectric and other resource developments create uncertainty for the future (SSDCC 1982; Feit 1986).

It also needs to be emphasized that the major renewable resources used by Cree are species that are either relatively localized (e.g., moose, beaver, nonanadromous fish), in which case the effects of development have also been localized, or migratory species (such as geese and smaller populations of caribou), whose patterns have been affected only marginally by developments to date. Future developments may alter this relative insularity for the Cree, just as current developments elsewhere in the North clearly and directly threaten other important renewable resources and the native peoples who depend on them. Thus, specific immediate opportunities for resource maintenance in the face of ongoing development need to be explored and used, while longer-term efforts to find effective resolutions in this area of fundamental conflict continue.

CONCLUSION: CREE AUTONOMY AND STATE LINKAGES

This case study of James Bay Cree efforts to restructure linkages to wider economic and political systems is relatively unusual in that Cree established an intensive and extended negotiation with government representatives which touched on almost all aspects of their relationships. And because the negotiations came to be directed toward a comprehensive set of agreements, the process provided a rare opportunity to examine the fundamental positions and conflicts between Cree and governments as well as the possibilities for a range of strategies for dealing with those conflicts. The implementation of the Agreement also provided an opportunity to examine the parallel implementation of dozens of specific provisions and to seek recurring patterns in the processes involved and their outcomes. A definitive account of the results of the James Bay and Northern Quebec Agreement probably cannot be made at this time. The processes of implementing the Agreement have been long and complex, and although they have already extended over a ten-year period, they are neither completed nor fully tested. Nevertheless, several general conclusions about Cree relations to wider systems can be drawn.

First, the James Bay negotiations appear to confirm the common assertion that the most fundamental conflicts between indigenous people and liberal-democratic states with a capitalist economy center around the control of land and resources, especially for development purposes, and around assertions of state sovereignty. However, it

may have been less widely expected that Cree negotiators, and their legal and professional advisers, did find considerable opportunities to develop claims, rights, programs, structures, procedures, benefits, and agreements that had some promise of effectively responding to Cree interests within the context of these two fundamental conflicts. Some of these have worked; others have not.

The conflicts over sovereignty were met with a series of legal provisions. While these did not resolve competing claims, they did afford mutual recognitions of governance without resolving questions of the origins of legitimacy or authority. On the questions of practical decision-making powers, the separate existing systems were left in place, and coordination was provided. Coordination often involved, however, a recognition of governments as holding superior authority and final responsibility, although the powers of government to act unilaterally or contrary to Cree rights and interests were constrained.

The experience with these provisions has been mixed. Where Cree authority was recognized, it has continued to be exercised effectively. And in many areas where Cree authority was extended, as in the reformulation of local community governments and the formation of regional political and service oriented institutions, Cree governance and administration have been greatly enhanced. The autonomy of Cree communities has clearly been improved by increased local control over services and resources, by enhanced ability to initiate political and administrative actions, and by recognition of Cree powers accorded by external institutions and nonnatives more generally. Nevertheless, the political and administrative practices of governments, while often extensive and responsible, have also shown a consistent pattern of derogation from legal undertakings where political or economic conflicts are directly implicated. In addition, a thin veneer often covers a recurrent paternalism, as exemplified in the tendency of some departments to treat coordination as a mere formality of consultation after policy decisions have already been taken. In this respect, the coordination provisions that involved no direct sharing of government authority have repeatedly failed, whereas those based on decentralizing government authority to Cree entities have fared better.

Thus, Cree rights and legal protections have on occasion remained mere words, denied in practice especially when there are political, economic, or administrative costs to governments for implementing these legally binding but often difficult to enforce provisions of the Agreement. This is not to deny that many, indeed probably most, provisions have been implemented and are effective. Nevertheless, the pattern of government deciding when to violate its obligations

has occurred frequently enough to be general within the context of respecting the less burdensome or conflicting issues. Those conflicts over sovereignty that were dealt with by mutual recognition of responsibility have been generally successful, whereas those conflicts dealt with through coordinated decision making under government authority have only been respected insofar as they are compatible with government interests. This despite the structures and provisions intended to assure responsible government fulfillment of these provisions.

With respect to fundamental conflicts over the control of economic resources, the Agreement was clearly not successful in establishing a land base or adequate control of resource development activities for Cree, but it did provide a higher degree of economic support for the hunting economy and for Cree self-governance. That is, within the Canadian liberal-democratic state, it was possible to direct public resources to the support of the Cree hunting economy in such a way as to enhance a relative degree of autonomy from market conditions for Cree products, labor, consumer goods, and services.

But the Agreement did not resolve fully the Cree need to expand opportunities for productive economic activities for the rapidly expanding population of young adults (Salisbury 1986). True, Cree take-over and expansion of administrative services and programs in their communities has considerably increased employment opportunities in the villages. The thirty or so Cree who were fully employed as administrators before the Agreement has swollen to some three hundred since. But it is also clear that the number of administrative positions is insufficient to fully employ all those Cree who do not hunt as a primary productive activity. The provision of economic enterprises in the communities and additional employment opportunities for Cree people is a critical task facing Cree leaders. And while organizations and experience gained through JBNQA facilitate the task, the limited natural and financial resources available make the task a difficult one. Similar problems occur with respect to social development, where government funding for improved health and education have not fully met Cree expectations.

The threat to the hunting economy posed by relatively unregulated industrial development of the region pinpoints the other failure of the agreement process to effectively resolve conflicts over resource control and economic development. Large-scale industrial development projects are continuing on Cree lands. Future phases of hydroelectric development have been delayed but not abandoned. And commercial cutting of the forests is continuing on a large scale and

at a rapid pace in the southern portions of the region, where it is seriously depleting wildlife resources on affected hunting territories and rendering them unusable for periods of at least several decades. In the eyes of an increasing number of hunters, the failure to adequately regulate development is a major future threat to the revitalized hunting sector. These threats demonstrate again that the agreement process was unable to resolve fundamental conflicts between the interests of Cree and those of wider economic and political institutions of the capitalist economy or the liberal democratic state. Nevertheless, the evidence seems clear that there were opportunities for Cree to expand their self-governance and to enhance their long-term capacity to carry on fights for a just and responsible relationship to wider political and economic institutions. To review these changes:

1. Basic rights to wildlife resources have been recognized and are no longer changeable by unilateral government action, although as formally codified legislation they will now be subject to continuing judicial and, in some aspects, political reinterpretation.
2. Cree also now have the organizations and political institutions needed for expanded self-governance along with experienced leaders to run them; in addition, they now have a broad consensus on goals and expanded resources.
3. Cree hunters are better insulated from changes in world and national market conditions and government policies, with assured annual incomes, but it is also the case that transactions with markets are now more extensive than they were before.
4. Cree hunters continue to manage wildlife resources essentially on their own and with less substantial inputs or threats from government wildlife administration and policy, but their use of wildlife is still threatened by large-scale resource development schemes.

The process has strengthened Cree ability to confront the problems that threaten them, but it has not fundamentally resolved those problems or provided a mutually acceptable new relationship of respect between Cree and governments. The highly focused and comprehensive nature of Cree-government negotiations suggest that this case may demonstrate the present outer limits for enhancing indigenous autonomy within extended linkages to state economies which characterize the current place of indigenous peoples in developed liberal-democratic states, subject always to the longer-term processes of change and transformation in those wider institutions themselves.

NOTES

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References

Aboriginal Land Commissioner

- 1979*a* Borrooloola Land Claim. Canberra: Australian Government Publishing Service (A.G.P.S.).
- 1979*b* Claim by the Warlpiri and Kartangarurru-Kurintji. Canberra: A.G.P.S.
- 1980*a* Uluru (Ayers Rock) National Park and Lake Amadeus/Luritja Land Claim. Canberra: A.G.P.S.
- 1980*b* Anmatjirra and Alyawarra Land Claim to Utopia Pastoral Lease. Canberra: A.G.P.S.
- 1980*c* Lander Warlpiri Anmatjirra Land Claim to Willowra Pastoral Lease. Canberra: A.G.P.S.
- 1981*a* Limmen Bight Land Claim. Canberra: A.G.P.S.
- 1981*b* Finnis River Land Claim. Canberra: A.G.P.S.
- 1981*c* Alligator Rivers Stage II Land Claim. Canberra: A.G.P.S.
- 1982*a* Daly River (Malak Malak) Land Claim. Canberra: A.G.P.S.
- 1982*b* Yutpundji-Djindiwirritj (Roper Bar) Land Claim. Canberra: A.G.P.S.

Aboriginal Land Rights Commission

- 1973 First Report.
- 1974 Second Report.

Ahenakew, D.

- 1983 Opening remarks to the Constitutional Conference of First Ministers' on the Rights of Aboriginal Peoples. Ottawa, March 15, 1983.

Almagor, U.

- 1978 Locality and the regulation of grazing among the Herero of Botswana. SSRC Conference on Land Tenure in Botswana, University of Manchester.

- 1980 Pastoral identity and reluctance to change: the Mbanderu of Ngamiland. *Journal of African Law* 24:35-61.
- Anonymous
1976 *The James Bay and Northern Quebec Agreement*. Quebec: Editeur officiel.
- Asad, T.
1978 Equality in nomadic social systems? *Critique of Anthropology* 11:57-65.
- Asch, M.
1979 The economics of Dene self-determination. In *Challenging anthropology*, ed. D. Turner and G. Smith, 339-352. Toronto: McGraw-Hill Ryerson.
1982a Capital and economic development: A critical appraisal of the recommendations of the Mackenzie Valley Pipeline Commission. *Culture* 2:3-9.
1982b Dene self-determination and the study of hunter-gatherers in the modern world. In *Politics and History in Band Societies*, ed. E. Leacock and R. Lee, 347-372. Cambridge: Cambridge University Press.
1983 Proposals for Amendments and Additions to the Constitution Act. Unpublished Manuscript.
1984 *Home and Native Land: Aboriginal Rights and the Canadian Constitution*. Toronto: Methuen of Canada Ltd., Assembly of First Nations.
- Barnard, A.
1976 Nharo Bushman kinship and the transformation of Khoi kin categories. Ph.D. dissertation, University College, London.
1978 Universal systems of kin categorization. *African Studies* 37:69-81.
1979 Kalahari Bushmen settlement patterns. In *Social and Ecological Systems*, ed. P. Burnham and R. Ellen. ASA Monographs 18:131-144.
- de la Bat, B.
1982 Etosha 75 years. *South West Africa Annual*:11-22.
- Beckett, J.
1985 Colonialism in a welfare state: The case of the Australian Aborigines. In *The Future of Former Foragers*, ed. C. Schrire and R. Gordon, 7-24. Cambridge: Cultural Survival.
- Bell, D.
1980 Daughters of the Dreaming. Ph.D. dissertation, Australian National University.
- Bennett, G.
1978a *Aboriginal Rights in International Law*. London: Royal Anthropological Institute of Great Britain and Northern Ireland in association with Survival International, Canada. First Ministers' Conference on Aboriginal Constitutional Matters. Occasional Paper No. 39.

- 1978b Aboriginal title in the common law: a stony path through feudal doctrine. *Buffalo Law Review* 27:617-636.
- 1983 Unofficial and unverified verbatim transcript. March 16, 1983, vol. 2.
- Berger, T.
1977 *Northern Frontier, Northern Homeland: The Report of the Mackenzie Valley Pipeline Inquiry*. Vols. I and II. Ottawa: Minister of Supply and Services Canada.
- Berkes, F.
1977 Fishing resource use in a subarctic Indian community. *Human Ecology* 5:289-307.
1979 An investigation of Cree Indian domestic fisheries in northern Quebec. *Arctic* 32:46-70.
1981a Fisheries of the James Bay area and northern Quebec: A case study in resource management. In *Proceedings of the First International Symposium on Renewable Resources and the Economy of the North*, ed. M. Freeman, 143-160. Ottawa: Association of Canadian Universities for Northern Studies.
1981b The role of self-regulation in living resources management in the North. In *Proceedings of the First International Symposium on Renewable Resources and the Economy of the North*, ed. M. Freeman, 166-178. Ottawa: Association of Canadian Universities for Northern Studies.
1982 Waterfowl management and northern native peoples with reference to Cree hunters of James Bay. *Musk-Ox* 30:23-35.
- Berman, H.
1978 The concept of aboriginal rights in the early legal history of the United States. *Buffalo Law Review* 27:637-668.
- Bern, J.
1974 Blackfella business, whitefella law: Political struggle and competition in a south-east Arnhem Land Aboriginal community. Ph.D. dissertation, Macquarie University.
1982 Report on the Yutpundji-Djindiwirritj (*Roper Bar*) land claim hearing. Typescript.
- Bern, J., and J. Larbalestier
1985 Rival constructions of traditional Aboriginal ownership in the Limmen Bight land claim. *Oceania* 56:56-76.
- Bern, J., J. Larbalestier, and D. McLaughlin
1980 *Limmen Bight Land Claim*. Northern Land Council, Darwin.
- Bern, J. and R. Layton
1984 The local descent group and the division of labour in the Cox River land claim. In *Aboriginal Landowners*, ed. L. Hiatt, 67-83. Sydney: University of Sydney Press.
- Berndt, R.
1981 A long view: Some personal comments on land rights. *Australian Institute for Aboriginal Studies Newsletter* 16:5-20.

- Biebuyck, D.
1963 *African Agrarian Systems*. London: Oxford University Press.
- Birdsell, J.
1970 Local group composition among the Australian Aborigines: A critique of the evidence from fieldwork carried out since 1930. *Current Anthropology* 11:115-131.
- Bleek, D.
1929 *Comparative Vocabularies of Bushman Languages*. Cambridge: Cambridge University Press.
- Bley, H.
1971 *South-West Africa under German Rule, 1894-1914*. Evanston: Northwestern University Press.
- Bohannan, P.
1957 *Justice and Judgment among the Tiv*. London: Oxford University Press.
1965 The differing realms of the law. In *The Ethnography of Law*, ed. L. Nader. *American Anthropologist* 67.6, pt. 2:33-42.
- Bosman, D., I. van der Merwe, and L. Hiemstra
1982 *Tweetalige Woordeboek: Afrikaans-Engels*. Tafelberg: Uitgewere Beperk, Kaapstaad.
- Boydell, T.
1948 *My Luck Still In*. Cape Town: Stewart.
- Bourdieu, P.
1977 *Outline of a Theory of Practice*. Cambridge: Cambridge University Press.
- Brelsford, T.
1980 Report on the subsistence issue in Alaska. McGill University Programme in the Anthropology of Development, Brief Communication 46, Montreal.
1982 *Equality and Science: A Thematic Analysis of Sportsmen's Opposition to the Alaska Subsistence Priority*. Montreal: Centre de recherche et d'analyse en sciences humaines.
1983a Hunters and workers among the Namaska Cree: The role of ideology in a dependent mode of production. M.A. thesis, McGill University.
1983b A theoretical and methodological review of the Alaska subsistence literature. Unpublished report from research under contract between McMaster University and the Office of the Northern Research and Science Advisor, Department of Indian Affairs.
- British Columbia
1970 *Calder et al. v. Attorney General of British Columbia* (1970). 74 WWR 481 (BCCA)
- Brody, H.
1981 *Maps and Dreams*. Harmondsworth: Penguin.

- Campbell, A., and G. Child
1971 The impact of man on the environment of Botswana. *Botswana Notes and Records* 3:91-110.
- Canada. First Ministers' Conference on Aboriginal Constitutional Matters.
1983a Unofficial and unverified verbatim transcript. March 15, 1983, vol. 1.
1983b Unofficial and unverified verbatim transcript. March 16, 1983, vol. 2.
- Cashdan, E.
1977 Subsistence, mobility, and territorial organization among the G//anaque of the northeastern central Kalahari Game Reserve, Botswana. Report to the Ministry of Local Government and Lands, Gaborone.
1982 The ecology of human subsistence. *Science* 216:1308-1309.
1983 Territoriality among human foragers: Ecological models and an application to four Bushmen groups. *Current Anthropology* 24:47-66.
- Castile, G.
1975 An unethical ethic: Self-Determination and the anthropological conscience. *Human Organization* 34:35-40.
- Chase, A.
1980 Which way now? Tradition, continuity, and change in a north Queensland Aboriginal community. Ph.D. dissertation, University of Queensland.
- Cole, K.
1979 *The Aborigines of Arnhem land*. Adelaide: Rigby.
- Colson, E.
1953 Social control and vengeance in plateau Tonga society. *Africa* 23:199-212.
- Comaroff, J.
1973 Competition for office and political processes among the Barolong boo Ratshidi. Ph.D. dissertation, University of London.
1978 Rules and rulers: Political processes in a Tswana chiefdom. *Man* 13:1-20.
1982 Class and culture in peasant economy: The transformation of land tenure in Barolong. In *Land reform in the Making*, ed. R. Werbner, 85-116. London: Rex Collings. (Also *Journal of African Law* 24:85-116.)
- Comaroff, J., and J. Comaroff
1981 The management of marriage in a Tswana context. In *Essays on African Marriage in Southern Africa*, ed. E. Krieger and J. Comaroff, 29-49. Cape Town: Juta.
- Comaroff, J., and S. Roberts
1981 *Rules and Processes: The Cultural Logic of Dispute in an African Context*. Chicago: University of Chicago Press.

- Commonwealth of Australia
1971 Gove Land Rights Case, *Federal Law Reports* 141.
- Conner, W.
1973 The politics of ethnonationalism. *Journal of International Affairs* 27:1-21.
- Coombs, H.
1978 *Kulimma*. Canberra: Australian National University Press.
- Cranston, M. (ed.)
1966 *A Glossary of Political Terms*. London: Bodley Head.
- Cumming, P., and N. Michelberg
1972 *Native Rights in Canada*. 2d ed. Toronto: Indian-Eskimo Association of Canada and General Publishing.
- Denbow, J., and E. Wilmsen
1986 The advent and course of pastoralism in the Kalahari. *Science* 234:1509-1515.
- Dene Nation (Indian Brotherhood of the Northwest Territories)
1977 The Dene declaration. In *Dene Nation: The Colony Within*, ed. M. Watkins, 3-4. Toronto: University of Toronto Press.
- DIAND (Department of Indian Affairs and Northern Development)
1969 *Statement of the Government of Canada on Indian Policy, 1969*. Ottawa: Queen's Printer.
- Eames, G.
1983 The Central Land Council: The politics of change. In *Aborigines, Land, and Land Rights*, ed. N. Peterson and M. Langton, 268-277. Canberra: Australian Institute for Aboriginal Studies.
- Eggleston, E.
1976 *Fear, Favour, or Affection*. Canberra: Australian National University Press.
- Egner, B.
1981 The remote area development programme: An evaluation. Economic Consultancies (Pty.) Ltd., Gaborone.
- Elkin, A.
1938 *The Australian Aborigines*. Sydney: Angus and Robertson.
1949 The rights of man in primitive society. In *Human Rights: Comments and Interpretations*, ed. UNESCO, 226-241. London: Allan Wingate.
1950 The complexity of social organization in Arnhem Land. *Southwestern Journal of Anthropology* 6:1-20.
- Engels, F.
[1891] *The origin of the Family, Private Property, and the State*, ed. E. Leacock. New York: International Publishers.
1972
- Estermann, C.
[1957] *Ethnography of Southwestern Angola*, ed. G. Gibson. New York: Africana Publishing Company.
1976

- Fabian, J.
1965 !Kung Bushman kinship: Componential analysis and alternative interpretations. *Anthropos* 60:663-718.
- Feit, H.
1980 Negotiating recognition of aboriginal rights: History, strategies and reactions to the James Bay and Northern Quebec Agreement. *Canadian Journal of Anthropology* 1:159-172.
1982 The future of hunters within nation-states: Anthropology and the James Bay Cree. In *Politics and History in Band Societies*, ed. E. Leacock and R. Lee, 373-411. Cambridge: Cambridge University Press.
1983 The income security program for Cree hunters in Quebec: An experiment in increasing the autonomy of hunters in a developed nation-state. In *Aborigines, Land, and Land Rights*, ed. N. Peterson and M. Langton, 439-454. Canberra: Australian Institute for Aboriginal Studies.
1984 Conflict arenas in the management of renewable resources in the Canadian North: Perspectives based on conflicts and responses in the James Bay region, Quebec. In *National and Regional Interests in the North: Third National Workshop on People, Resources, and the Environment North of 60°*, 435-458. Ottawa: Canadian Arctic Resources Committee.
1985a Legitimation and autonomy in James Bay Cree responses to hydroelectric development. In *Indigenous people and the nation state: fourth world politics in Canada, Australia, and Norway*, ed. N. Dyck, 27-66. St. John's: Memorial University, Institute for Social and Economic Research.
1985b Aboriginal rights in Canada: Indigenous strategies for relative autonomy within the Canadian state. In *The Canadian Constitution: Civil and Minority Rights*, 40-65. Cardiff: Canadian Studies in Wales Group.
1986 Hunting and the quest for power: the James Bay Cree and white-men in the twentieth century. In *Native peoples: the Canadian experience*, ed. R. Morrison and C. Wilson, 171-207. Toronto: McClelland and Stewart.
n.d. The power and the responsibility: Implementation of the wildlife and hunting provisions of the James Bay and Northern Quebec Agreement. In *The James Bay and Northern Quebec Agreement, Ten Years after*, ed. S. Vincent. Montreal: Recherches Américaines au Québec. In press.
- Feit, H., and C. Scott
n.d. *Income Security for Cree Hunters: Initial Socioeconomic Impacts and Long-term Considerations*. Montreal: McGill University Programme in the Anthropology of Development. In press.

- Freeman, M., and L. Hackman
1975 Bathurst Island, N.W.T.: A test case of Canada's northern policy. *Canadian Public Policy* 1:402-414.
- Friedman, L.
1977 *Law and Society: An Introduction*. Englewood Cliffs, N.J.: Prentice-Hall.
- Galaty, J.
1981 Organizations for pastoral development: Contexts of causality, change and assessment. In *The Future of Pastoral Peoples*, ed. J. Galaty et al., 68-88. Ottawa: International Development Research Center.
- Gartrell, B.
1983 Some notes on structural variations in colonial situations. Paper submitted to a symposium on the Fourth World and the state. International Conference of Anthropological and Ethnological Sciences, Vancouver.
- Gibson, G.
1959 Levels of residence among the Herero. Paper presented to American Anthropological Association Annual Meeting, Mexico City.
- Gluckman, M.
1955 *The Judicial Process among the Barotse of Northern Rhodesia (Zambia)*. Manchester: University of Manchester Press.
1965 *The Ideas of Barotse Jurisprudence*. New Haven: Yale University Press.
1971 *Politics, Law, and Ritual in Tribal Society*. London: Basil Blackwell.
- Godelier, M.
1973 *Horizon, trajets marxistes en anthropologie*. Paris: Maspero.
1975 Modes of production, kinship, and demographic structures. In *Marxist analysis and social anthropology*, ed. M. Bloch, 3-27. New York: John Wiley.
1977 *Perspectives in Marxist Anthropology*. Cambridge: Cambridge University Press.
- Gordon, R.
1984 What future for the Ju-/wasi of NyaeNyae? *Cultural Survival Occasional Paper* 13.
1985 Conserving the Bushmen to extinction in southern Africa. *Survival International Review* 44:28-42.
n.d. *The Bushmen: A Myth and the Making of a Namibian Underclass*. Johannesburg: Ravan Press. In press.
- Gumbert, M.
1981 Paradigm lost: Anthropological models and their effect on Aboriginal land rights. *Oceania* 52:103-123.
1984 *Neither Justice nor Reason: A Legal and Anthropological Analysis of Aboriginal Land Rights*. St Lucia: Queensland University Press.

- Hagen, R., and M. Rowell
1979 *The Anmatjirra and Alyawarra land claim to Utopia pastoral lease*. Central Land Council, Alice Springs.
- Hahlo, H.
1960 *The Union of South Africa: The Development of Its Laws and Constitution*. Cape Town: Juta.
- Hahn, T.
1895 Who are the real owners of Ghanse? CO 16669 (23 Sept.), Public Records Office, London.
- Lord Hailey
1956 *An African Survey*. Rev. ed. London: Oxford University Press.
- Hamilton, A.
1979 Timeless transformation: women, men, and history in the Australian Western Desert. Ph.D. dissertation, University of Sydney.
1982 Descended from father, belonging to country: Rights to land in the Australian Western Desert. In *Politics and History in Band Societies*, ed. E. Leacock and R. Lee, 85-108. Cambridge: Cambridge University Press.
- Hansen, K., and L. Hansen
1977 *Pintupi-Loritja Dictionary*. Alice Springs: Institute for Aboriginal Development.
- Hardy, F.
1968 *The Unlucky Australians*. Melbourne: Nelson.
- Harpending, H.
1976 Regional variation in !Kung populations. In *Kalahari Hunter-Gatherers*, ed. R. Lee and I. DeVore, 152-165. Cambridge: Harvard University Press.
- Harris, O., and K. Young
1981 Engendered structures: Some problems in the analysis of reproduction. In *The Anthropology of Precapitalist Societies*, ed. J. Kahn and J. Llobera, 109-147. Atlantic Highlands: Humanities Press.
- Heinz, H.
1966 Social organization of the !Ko Bushmen. M.A. thesis, University of South Africa.
1972 Territoriality among the Bushmen in general and the !Ko in particular. *Anthropos* 67:405-416.
1979 The nexus complex among the !xo Bushmen of Botswana. *Anthropos* 74:465-480.
- Hiatt, L.
1962 Local organization among the Australian Aborigines. *Oceania* 32:267-286.
1965 *Kinship and Conflict*. Canberra: Australian National University Press.
1968 Ownership and use of land among the Australian Aborigines. In

- Man the Hunter*, ed. R. Lee and I. DeVore, 99–102. Chicago: Aldine Press.
- 1970 Comment on J. Birdsell, Local group composition among the Australian Aborigines: a critique of the evidence from fieldwork conducted since 1930. *Current Anthropology* 8:134–135.
- 1982a Letter to the editor. *Oceania* 52:264–265.
- 1982b Traditional attitudes to land resources. In *Aboriginal Sites, Rights, and Resource Development*, ed. R. Berndt, 13–26. Perth: A.S.S.A.
- 1984 Introduction. In *Aboriginal Landowners: Contemporary Issues in the Determination of Traditional Aboriginal Landownership*, ed. L. Hiatt, 1–10. Sydney: University of Sydney Press.
- Higgins, R.
1963 *The Development of International Law through the Political Organs of the United Nations*. Royal Institute of International Affairs. London: Oxford University Press.
- Hitchcock, R.
1978 Kalahari cattle posts: A regional study of hunter-gatherers, pastoralists, and agriculturalists in the western sandveld region, Botswana. Gaborone: Government Printer.
- 1982 Tradition, social justice, and land reform in central Botswana. In *Land reform in the Making*, ed. R. Werbner, 1–34. London: Rex Collings. (Also, *Journal of African Law* 24:1–34.)
- Hitchcock, R., and A. Campbell
1980 Settlement patterns of the Bakgalagari. In *Settlement in Botswana*, ed. R. Hitchcock and M. Smith, 148–160. Marshalltown: Heinemann.
- Hitchcock, R., H. Vierich, and E. Wilmsen
1977 Basarwa mobility and migration patterns. Paper presented to First National Migration Study Workshop, Gaborone.
- Hoben, A.
1986 The political economy of resource tenure in Somalia. Workshop on Land issues in Africa, Harvard University, 15 March.
- Hookey, J.
1974 Comments on land rights. In *Aborigines, Human Rights, and Law*, ed. G. Nettheim, 99–103. Sydney: Australian and New Zealand Book Company.
- House of Commons, Special Committee on Indian Self-Government
1983 *Indian Self-Government in Canada: Report of the Special Committee*. Ottawa: Queen's Printer.
- Howard, M.
1982 Introduction. In *Aboriginal Power in Australian Society*, ed. M. Howard, 1–13. Honolulu: University of Hawaii Press.
- Hunt, C.
1978 Approaches to native land settlement and implications for northern land use and resource management policies. In *Northern Tran-*

- sitions*. Vol. II, *Second National Workshop on People, Resources, and the Environment North of 60°*, ed. R. Keith and J. Wright, 5–41. Ottawa: Canadian Arctic Resources Committee.
- Hymes, D.
1972 *Reinventing Anthropology*. New York: Pantheon.
- Inglis, K.
1961 *The Stuart case*. Melbourne: Melbourne University Press.
- Ives, J.
n.d. Northern Athapaskan socioeconomic variability. Ph.D. dissertation, University of Michigan.
- James Bay and Northern Quebec Native Harvesting Research Committee (JBNQHR)
1982 *The Wealth of the Land: Wildlife Harvests by the James Bay Cree, 1972–73 to 1978–79*. Quebec: JBNQHR.
- Jennings, R.
1963 *The Acquisition of Territory in International Law*. Manchester: Manchester University Press.
- Joyce, I.
1938 Report on the Masarwa in the Bamangwato Reserve, Bechuanaland Protectorate. General: League of Nations Publications (vi.B. Slavery, c. 112, M.98), Annex 6, 57–76.
- Kahn, J., and J. Llobera
1981 Towards a new Marxism or a new anthropology? In *The Anthropology of Precapitalist Societies*, ed. J. Kahn and J. Llobera, 263–329. New York: Humanities Press.
- Keen, I.
1978 One ceremony, one song: An economy of religious knowledge among the Yolngu of north-east Arnhem Land. Ph.D. dissertation, Australian National University.
- 1980 *Alligator Rivers Stage II Land Claim*. Northern Land Council, Darwin.
- 1981 Statement of evidence to the Land Commissioner, Alligator Rivers Stage II land claim. Typescript.
- 1982 How some Murngin men marry ten wives: The marital implications of matrilineal cross-cousin structures. *Man* 17:620–642.
- Keenan, J.
1981 The concept of the mode of production in hunter-gatherer societies. In *The anthropology of precapitalist societies*, ed. J. Kahn and J. Llobera, 2–21. New York: Humanities Press.
- Kenny, J.
1973 *Belonging: The First Notable Aboriginal*. Sydney: Royal Australian Historical Society.
- Kerven, C. (ed.)
1982 *Migration in Botswana: Patterns, Causes, and Consequences*. Gaborone: Central Statistics Office.

- Kinahan, J.
1986 Settlement patterns and regional exchange: Evidence from recent Iron Age sites on the Kavango River, northeastern Namibia. *Cimbebasia* 3:110-116.
- Kiyaga-Mulindwa, D. (ed.)
1980 Politics and society in Letswapo. *Tswapong Historical Texts* 2. Gaborone: University College of Botswana.
- Kloppers, J.
1970 *Gee My -n Man*. Johannesburg: Afrikaanse Press.
- LaRusic, I.
1979 *The Income Security Program for Cree Hunters and Trappers: A Study of the Design, Operation, and Initial Impacts of the Guaranteed Annual Income Programme Established under the James Bay and Northern Quebec Agreement*. Montreal: McGill University Programme in the Anthropology of Development.
- LaRusic, I., et al.
1979 *Negotiating a Way of Life: Initial Cree Experience with the Administrative Structure Arising from the James Bay Agreement*. Montreal: Centre de recherche et d'analyse en sciences humaines.
- Leach, E.
1951 The structural implications of matrilineal cross-cousin marriage. *Journal of the Royal Anthropological Institute* 81:23-55.
- Leacock, E., and R. Lee
1982 *Politics and History in Band Societies*. Cambridge: Cambridge University Press.
- Lee, R.
1965 Subsistence ecology of !Kung Bushmen. Ph.D. dissertation, University of California, Berkeley.
1972 !Kung spatial organization: An ecological and historical perspective. *Human Ecology* 1:125-147.
1979 *The !Kung San: Men, Women, and Work in a Forager Society*. Cambridge: Cambridge University Press.
1982 Politics, sexual and nonsexual, in an egalitarian society. In *Politics and History in Band Societies*, ed. E. Leacock and R. Lee, 37-59. Cambridge: Cambridge University Press.
- Lee, R., and I. DeVore (eds.)
1968 *Man the Hunter*. Chicago: Aldine.
- Lévi-Strauss, C.
1966 *The Savage Mind*. Chicago: University of Chicago Press.
- Lijphart, A.
1977 *Democracy in Plural Societies: A Comparative Examination*. New Haven: Yale University Press.
- Lindley, M.
1926 *The Acquisition and Government of Backward Territory in International Law*. London: Longman.

- Lohe, M., F. Albrecht, and L. Leske
1977 *Hermannsburg: A Vision and a Mission*. Adelaide: Lutheran Publishing House.
- Luttig, H.
1933 *The Religious System and Social Organization of the Herero*. Utrecht: Kemink en Zoon N.V.
- MacCormack, G.
1983 Problems in the description of African landholding. *Journal of Legal Pluralism and Unofficial Law* 21:1-14.
- McIntyre, C.
1968 SWA: Information for visitors, official and otherwise. *The Cape Argus*, April 15.
- McNally, W.
1981 *Aborigines, Artifacts, and Anguish*. Adelaide: Lutheran Publishing House.
- Maddock, K.
1972 *The Australian Aborigines: A Portrait of Their Society*. Harmondsworth: Penguin.
1980 *Anthropology, Law, and the Definition of Australian Aboriginal Rights to Land*. Nijmegen: Instituut voor Volksrecht, Publikaties over Volksrecht.
1982 Aboriginal land rights traditionally and in legislation: A case study. In *Aboriginal Power in Australian Society*, ed. M. Howard, 55-78. Honolulu: University of Hawaii.
1983a "Owners," "managers" and the choice of statutory traditional owners by anthropologists and lawyers. In *Aborigines, Land, and Land Rights*, ed. N. Peterson and M. Langton, 211-225. Canberra: Australian Institute for Aboriginal Studies.
1983b *Your Land is Our Land: Aboriginal Land Rights*. Ringwood: Penguin Books Australia.
1985 How to do legal definitions of Aboriginal rights. *Anthropological Forum* 5:295-308.
- Malinowski, B.
1926 *Crime and custom in savage society*. London: Routledge and Kegan Paul.
[1913] *The Family among the Australian Aborigines*. New York: Schocken Books.
1963 Books.
- Malouf, A.
1973 *La Baie James indienne: Texte integral du jugement du juge Albert Malouf*. Montreal: Editions du Jour.
- Marnham, P.
1980 *Fantastic Invasion*. London: Johnathan Cape.
- Marquard, L., and J. Standing
1939 *The Southern Bantu*. London: Oxford University Press.

- Marshall, L.
 1957 The kin terminology system of the !Kung Bushmen. *Africa* 27:1-25.
 1960 !Kung Bushmen bands. *Africa* 30:325-355.
 1961 Sharing, talking, and giving: Relief of social tensions among the !Kung Bushmen. *Africa* 31:231-249.
 1976 *The !Kung of NyaeNyae*. Cambridge: Harvard University Press.
- Marx, K.
 [1867] *Capital*. New York: International Publishers.
 1967
- Mauss, M.
 1954 *The Gift*. London: Cohen and West.
- Maybury-Lewis, D.
 1977 Societies on the brink. *Harvard Magazine*, January-February, 56-61.
- Meggitt, M.
 1962 *Desert People*. Sydney: Angus and Robertson.
- Meillassoux, C.
 1967 Recherche d'un niveau de détermination dans la société cynégétique. *L'Homme et la Société* 1:93-105.
 1972 From reproduction to production: A Marxist approach to economic anthropology. *Economy and Society* 1:93-105.
 1973 On the mode of production of the hunting band. In *French Perspectives in African Studies*, ed. P. Alexandre, 187-203. London: Oxford University Press.
 1980 From reproduction to production: A Marxist approach to economic anthropology. In *The Articulation of Modes of Production*, ed. H. Wolpe, 189-201. London: Routledge and Kegan Paul. (Reprint of 1972 article.)
- van der Merwe, S.
 1960 Die Boesmans van Suidwes-Afrika. *Die Staatsanotebaard*, November, 32-34.
- Memmott, P.
 1979 Larkil properties of place: An ethnological study in man-environment relations. Ph.D. dissertation, University of Queensland.
- Middleton, H.
 1977 *But Now We Want the Land Back*. Sydney: New Age Publishers.
- Morgan, L.
 [1887] *Ancient Society*, ed. E. Leacock. New York: World Publishing Company.
 1963
- Morphy, H.
 1977 Too many meanings: An analysis of the artistic system of the Yolngu of North East Arnhem Land. Ph.D. dissertation, Australian National University.

- Morphy, H., and F. Morphy
 1981 *Yutpundji-Djindjirritj (Roper Bar) Land Claim*. Northern Land Council, Darwin.
 1984 Owners, managers, and ideology: A comparative analysis. In *Aboriginal Landowners*, ed. L. Hiatt, 46-66. Sydney: University of Sydney Press.
- Munn, N.
 1970 The transformation of subjects into objects in Walbiri and Pitjantjara myth. In *Australian Aboriginal Anthropology*, ed. R. Berndt, 141-163. Nedlands: University of Western Australia Press.
- Myers, F.
 1976 'To have and to hold': A study of persistence and change in Pintupi social life. Ph.D. dissertation, Bryn Mawr.
 1979 Emotions and the self: A theory of personhood and political order among Pintupi Aborigines. *Ethos* 7:343-370.
 1982 Always ask: Resource use and landownership among Pintupi Aborigines. In *Resource Managers*, ed. N. Williams and E. Hunn, 173-195. Boulder: Westview Press.
 1986a The politics of representation: Anthropological discourse and Australian Aborigines. *American Ethnologist* 13:430-447.
 1986b *Pintupi Country, Pintupi Self: Sentiment, Place, and Politics among Western Desert Aborigines*. Washington: Smithsonian Institution Press.
- New South Wales Aboriginal Land Council
 1981 *Land Claims in NSW*. Kings Cross.
- Ofvatey-Kodjoe, W.
 1977 *The Principle of Self-Determination in International Law*. New York: Nellon.
- Olivier, M.
 1961 Inboorlingbeleid en administrasie in diemandaatgebied van Suidwes-Afrika. Ph.D. dissertation, Stellenbosch University.
- Overton, J.
 1979 A critical examination of the establishment of national parks and tourism in underdeveloped areas: Gros Morne National Park in Newfoundland. *Antipode* 11(2):34-47.
- Palmer, K.
 1984 Aboriginal landownership among the southern Pitjantjara of the Great Victoria Desert. In *Aboriginal Landowners*, ed. L. Hiatt, 123-133. Sydney: University of Sydney Press.
- Parson, J.
 1981 Cattle, class, and state in rural Botswana. *Journal of Southern African Studies* 7:236-255.
- Parsons, Q.
 1982 *A New History of Southern Africa*. London: Macmillan.

- Partridge, E.
1983 *Origins: A Short Etymological Dictionary of Modern English*. New York: Greenwich House.
- Passarge, S.
1907 *Die Buschmänner der Kalahari*. Berlin: Dietrich Reimer.
- Pennock, J.
1950 *Liberal Democracy: Its Merits and Prospects*. New York: Rinehart.
- Perper, T., and C. Schrire
1977 The Nimrod connection: Myth and science in the hunting model. In *The Chemical Senses and Nutrition*, ed. M. Kare and O. Maller, 447–459. Orlando: Academic Press.
- Peterson, N.
1972 The structure of two Australian Aboriginal ecosystems. Ph.D. dissertation, University of Sydney. Australian Institute for Aboriginal Studies.
1974 The importance of women in determining the composition of residential groups in Aboriginal Australia. In *Women's Role in Aboriginal Society* ed. F. Gale, 16–27. Canberra: Australian Institute of Aboriginal Studies.
- Peterson, N. (ed.)
1981 *Aboriginal Land Rights: A Handbook*. Canberra: Australian Institute of Aboriginal Studies.
- Peterson, N., and M. Langton (eds.)
1983 *Aborigines, Land, and Land Rights*. Canberra: Australian Institute of Aboriginal Studies.
- Phipson, S.
1976 *Evidence*. 12th ed. London: Sweet and Maxwell.
- Price, E. (ed.)
1973 *Law and the American Indian*. Indianapolis: Bobbs-Merrill.
- Radcliffe-Brown, A.
1913 Three tribes of western Australia. *Journal of the Royal Anthropological Institute* 43:143–194.
1930–31 The social organization of Australian tribes. *Oceania Monograph* 1.
1944 Meaning and scope of social anthropology. *Nature* 154:257–260.
1952 Patrilineal and matrilineal succession. In *Structure and Function in Primitive Society*, ed. A. Radcliffe-Brown, 32–48. New York: Free Press. (Reprint of 1935 original.)
- Richardson, B.
1975 *Strangers Devour the Land*. Toronto: Macmillan.
- Roberts, S.
1979 *Order and Dispute: An Introduction to Legal Anthropology*. London: Penguin Books.
- Rose, F.
1967 Review of H. Shiels, ed., *Australian Aboriginal Studies. Bijdragen tot de Tall-, Land- en Volkenkunde* 123:145–160.

- 1968 *Australia Revisited: The Aborigine Story from Stone Age to Space Age*. Berlin: Seven Seas Publishers.
- Rowley, C.
1972 *The Remote Aborigines*. Harmondsworth: Pelican Books.
1978 *A Matter of Justice*. Canberra: Australian National University Press.
- Sahlins, M.
1965 On the sociology of primitive exchange. In *The Relevance of Models for Social Anthropology*, ed. M. Banton, 139–236. London: Tavistock.
1968 Notes on the original affluent society. In *Man the Hunter*, ed. R. Lee and I. DeVore, 85–89. Aldine Press.
- Salisbury, R.
1986 *A Homeland for the Cree: Regional Development in James Bay 1971–1981*. Montreal: McGill-Queen's University Press.
- Salisbury, R., et al.
1972a *Not by Bread Alone: The Subsistence Economies of the People of Fort George, Paint Hills, Eastmain, Great Whale, Fort Chimo, and the Nitchiquon Band from Mistassini*. Montreal: Indians of Quebec Association, James Bay Task Force.
1972b *Development and James Bay: Social Implications of the Hydroelectric Scheme*. Montreal: McGill University Programme in the Anthropology of Development.
- Sansom, B.
1980 Statement on the Utopia land claim. Typescript.
- Schapera, I.
1938 *Handbook of Tsuana Law and Custom*. London: Oxford University Press.
1943 *Native Land Tenure in the Bechuanaland Protectorate*. Alice: Lovedale Press.
1963 Kinship and politics in Tswana history. *Journal of the Royal Anthropological Society* 9:159–173.
1970 *Tribal Innovators: Tsuana Chiefs and Social Change: 1875–1940*. London: University of London Press.
- Schinz, H.
1891 *Deutsch-Südwest-Afrika*. Leipzig: Schulzesche Hofbuchhandlung.
- Schrire, C.
1980 An enquiry into the evolutionary status and apparent identity of San hunter-gatherers. *Human Ecology* 8:9–32.
1984 Wild surmises on savage thoughts. In *Past and Present in Hunter-Gatherer Studies*, ed. C. Schrire, 1–25. Orlando: Academic Press.
- Schultze, L.
1914 Südwestafrika. In *Das Deutsche Kolonialreich*, ed. H. Meyer, 270–295. Vol. 2. Leipzig: Verlag des Bibliographisches Instituts.
- Scott, C.
1977 The income security program for Cree hunters, fishermen, and

- trappers: An initial field report on impacts and reactions in four James Bay coastal settlements. Montreal: Grand Council of the Crees (of Quebec). Unpublished.
- 1979 *Modes of Production and Guaranteed Annual Income in James Bay Cree Society*. Montreal: McGill University Programme in the Anthropology of Development.
- 1983 The semiotics of material life among Wemindji Cree hunters. Ph.D. dissertation, McGill University.
- Shiels, H. (ed.)
1963 *Australian Aboriginal Studies: A Symposium of Papers presented at the 1961 Research Conference*. Melbourne: Oxford University Press.
- Silberbauer, G.
1965 *Bushman Survey Report*. Gaborone: Bechuanaland Government.
1981 *Hunter and Habitat in the Central Kalahari Desert*. Cambridge: Cambridge University Press.
1982 Political process in G/wi bands. In *Politics and History in Band Societies*, ed. E. Leacock and R. Lee, 22–35. Cambridge: Cambridge University Press.
- Silberbauer, G., and A. Kuper
1966 Kgalgadi masters and Bushmen serfs. *African Studies* 25:171–179.
- Smith, D.
1984 "That Register business": The role of the Land Councils in determining traditional Aboriginal owners. In *Aboriginal Landowners*, ed. L. Hiatt, 84–103. Sydney: University of Sydney Press.
- Smith, M.
1969 Some development in the analytic framework of pluralism. In *Pluralis*, ed. L. Kuper and M. Smith, 27–66. Berkeley, Los Angeles: University of California Press.
- Snow, A.
1921 *The question of Aborigines*. New York: Putnam.
- Snyman, J.
1970 *An Introduction to the !Xü Language*. Cape Town: Balkema.
1975 *Zhu'hoasi Phonologie en Woordboek*. Cape Town: Balkema.
- SSDCC (Centre de recherche et d'analyse en sciences humaines)
1982 *Etude des retombées sociales et économiques sur les communautés autochtones du territoire NBR (Complexe hydroélectrique Nottaway-Broadback-Rupert)*. Montreal: Rapport produit par la Société d'énergie de la Baie James, Direction de l'Environnement.
- Stals, E.
1984 *Duits-Suidwes-Afrika na die Groot Opstande*. Pretoria: Archives Yearbook Series No. 46(11).
- Stanner, W.
1933 The Daly River tribes: A report on fieldwork in North Australia. *Oceania* 3:377–405.

- 1965 Aboriginal society, territory, and language at Cape Keerweer, Cape York Peninsula, Australia. Ph.D. dissertation, University of Queensland.
- 1979 The Dreaming. In *White Man Ain't Got No Dreaming*, ed. W. Stanner, 23–40. Canberra: Australian National University Press.
- Steward, J.
1955 *Theory of Culture Change*. Urbana: University of Illinois Press.
- Strehlow, T.
1947 *Aranda Traditions*. Melbourne: Melbourne University Press.
1969 *Journey to Horseshoe Bend*. Sydney: Angus and Robertson.
1971 *Songs of Central Australia*. Sydney: Angus and Robertson.
- Sturmer, J. von
1978 The Wik region: Economy, territoriality, and totemism in western Cape York Peninsula, North Queensland. Ph.D. dissertation, University of Queensland.
- Sutton, P.
1978 Wik: Aboriginal society, territory, and language at Cape Keerweer, Cape York Peninsula, Australia. Ph.D. dissertation, University of Queensland.
- Sutton, P., and Rigsby, B.
1982 People with 'politicks': Management of land and personnel on Australia's Cape York Peninsula. In *Resource Managers: North American and Australian hunter-gatherers*, ed. N. Williams and E. Hann, 155–173. Boulder: Westview Press.
- Tagart, E.
1933 Report on the conditions existing among the Masarwa in the Bamangwato Reserve. London Missionary Society.
- Tanaka, J.
1969 The ecology and social structure of central Kalahari Bushmen: A preliminary report. *Kyoto University African Studies* 3:1–26.
1980 *The San: Hunter-Gatherers of the Kalahari*. Tokyo: University of Tokyo Press.
- Tanner, A.
1979 *Bringing Home Animals: Religious Ideology and Mode of Production of the Mistassini Cree Hunters*. St. John's: Memorial University of Newfoundland, Institute of Social and Economic Research.
- Tatz, C.
1982 *Aborigines and Uranium and Other Essays*. Richmond: Heinemann Educational Books.
- Taylor, J.
1979 *From Modernization to Modes of Production*. London: Macmillan.
- Terray, E.
1972 *Marxism and "primitive" societies*. New York: Monthly Review Press.

- Thomas, N.
1906 *Kinship and Organisations and Group Marriage in Australia*. London: Frank Cass.
- Tlou, T.
1972 A political history of northwestern Botswana to 1906. Ph.D. dissertation, University of Wisconsin, Madison.
1976 The peopling of the Okavango Delta: ca. 1750–1906. *Proceedings of the Symposium on the Okavango Delta and Its Future Utilization*, Botswana Society, 49–53.
1977 Servility and political control: Bathlanka among the Batawana of northwestern Botswana, ca. 1750–1906. In *Slavery in Africa: Historical and Anthropological Perspectives*, ed. S. Miers and I. Kopytoff, 367–390. Madison: University of Wisconsin Press.
- Tonkinson, R.
1978 *The Mardudjara Aborigines*. New York: Holt, Rinehart and Winston.
- Trudeau, P.
1983 Opening statement to the Constitutional Conference of First Ministers on the Rights of Aboriginal Peoples. Ottawa: United Nations.
- Turner, T.
1979 Anthropology and the politics of indigenous peoples' struggles. *Cambridge Anthropology* 5:1–43.
- Turner, V.
1957 *Schism and Continuity in an African Society: A Study of Ndembu Village Life*. Manchester: Manchester University Press.
- Tyack, D., T. James, and A. Benavot
1987 *Law and the Shaping of Public Schools, 1785–1954*. Cambridge: Harvard University Press.
- United Nations General Assembly
1961 *Declaration on the Granting of Independence to Colonial Countries*.
- Usher, P.
1981 Sustenance or recreation? The future of native wildlife harvesting in northern Canada. In *Proceedings of the First International Symposium on Renewable Resources and the Economy of the North*, ed. M. Freeman, 56–71. Ottawa: Association of Canadian Universities for Northern Studies.
1984 Property rights: The basis of wildlife management. In *National and Regional Interests in the North. Third National Workshop on People, Resources, and the Environment North of 60°*, 389–414. Ottawa: Canadian Arctic Resources Committee.
- Usher, P., and G. Beakhust
1973 *Land Regulation in the Canadian North*. Ottawa: Canadian Arctic Resources Committee.

- Vedder, H.
1910 Grundriss einer Grammatik der Bushmann Sprache vom Stamm der Buschmänner. *Zeitschrift für Kolonial-Sprachen* 1.
1934 *Das alte Südwestafrika*. Windhoek: South West Africa Scientific Society. (1981 facsimile reprint.)
1937 Die Buschmänner südwestafrikas und ihre Weltanschauung. *South African Journal of Science* 34:416–436.
1938 *Southwest Africa in Early Times*. London: Frank Cass.
- Vierich-Esch, H.
1982 Adaptive flexibility in a multi-ethnic setting: The Basarwa of the southern Kalahari. In *Politics and History in Band Societies*, ed. E. Leacock and R. Lee, 213–222. Cambridge: Cambridge University Press.
- Watermeyer, E.
1963 The Roman-Dutch law in South Africa. In *The Cambridge History of the British Empire*, ed. E. Walker, 858–873. Vol. 8. London: Cambridge University Press.
- Weaver, S.
1981 *Making Canadian Indian Policy: The Hidden Agenda 1968–1970*. Toronto: University of Toronto Press.
- Weiner, A.
1985 Inalienable Wealth. *American Ethnologist* 12:210–227.
- Wells, E.
1981 Some events at Yirrkala during 1962 and 1963. *Australian Institute for Aboriginal Studies Newsletter* 15:31–40.
- Welsh, D.
1968 The State President's powers under the Bantu Administration Act. *Acta Juridica* 81–100.
- Western, D.
1981 A challenge for conservation. *L. S. B. Leakey Foundation News* (Winter): 1–14.
- Westphal, E.
1963 On classifying Bushmen and Hottentot languages. *African Language Studies* 3:30–48.
- White, C.
1963 Terminological confusion in African land tenure. *Journal of African Administration* 10:124–130.
- White, L.
1943 Energy and the evolution of culture. *American Anthropologist* 35:335–356.
- Wiessner, P.
1977 !Xaro: A regional system of reciprocity for reducing risk in the !Kung Bushmen. Ph.D. dissertation, University of Michigan.
1982 Risk, reciprocity, and social influences on !Kung San economics.

- In *Politics and History in Band Societies*, ed. E. Leacock and R. Lee, 61–84. Cambridge: Cambridge University Press.
- Williams, N.
1986 *The Yolngu and Their Land*. Canberra: Australian Institute of Aboriginal Studies.
- Williams, R.
1977 *Marxism and Literature*. London: Oxford University Press.
- Wilmsen, E.
1976 Report to the Ministry of Local Government and Lands on research in western Ngamiland. National Archives, Gaborone.
1982a Migration of Remote Area Dwellers. In *Migration in Botswana: Patterns, Causes, and Consequently*, ed. C. Kerven, 337–376. Gaborone: Central Statistics Office.
1982b Exchange, interaction, and settlement in northwestern Botswana: Past and present perspectives. In *Settlement in Botswana*, ed. R. Hitchcock and M. Smith, 98–109. Marshalltown: Heinemann Educational Books.
1983 The ecology of illusion: Anthropological foraging in the Kalahari. *Reviews in Anthropology* 10:9–20.
n.d. *Land Filled with Flies: A Political Economy of the Kalahari*. Chicago: University of Chicago Press. In press.
- Wolf, E.
1982 *Europe and the People without History*. Berkeley, Los Angeles, London: University of California Press.
- Woodburn, J.
1980 Hunters and gatherers today and reconstruction of the past. In *Soviet and Western Anthropology*, ed. E. Gellner, 95–117. London: Duckworth.
- Woodward, A. (Mr. Justice)
1973 *First Report of the Aboriginal Land Rights Commission*. Melbourne: Office of the Aboriginal Land Rights Commissioner.
- World Bank
1982 *Tribal Peoples and Economic Development*. Washington, D.C.: World Bank.
- Yellen, J.
1976 Settlement patterns of the !Kung. In *Kalahari Hunter-Gatherers*, ed. R. Lee and I. DeVore, 47–72. Cambridge: Harvard University Press.
- Yellen, J., and H. Harpending.
1972 Hunter-gatherer populations and archaeological inference. *World Archaeology* 4:244–253.

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