CHAPTER EIGHT

SELF-MANAGEMENT AND GOVERNMENT MANAGEMENT OF WILDLIFE: PROSPECTS FOR COORDINATION IN JAMES BAY AND CANADA

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One of the most important debates in conservation today centers on whether effective linkages can be developed between indigenous systems of wildlife management and those instituted by government authorities. As this chapter explains, such linkages must deal with the fact that both parties claim and exercise relative autonomy yet are also, in many respects, mutually dependent on each other. However simple this may sound, conservationists trying to build connections between the two sides must confront complex issues, ranging from recognizing the knowledge and practices of other cultures to assertions of aboriginal rights to manage wildlife. Many of these issues have come to light over the past few decades in northern Quebec in the relationship between the James Bay Cree and the government of Canada.

Cultural Knowledge and Social Practices

The James Bay Cree are a group of about 10,000 subarctic Native Americans in northern Quebec who hunt in an area of approximately 150,000 square miles east and south of James Bay (Figure 8.1). Their use and management of wildlife provides a valuable example of the importance of culturally and socially specific systems in organizing hunting practices for the prudent use of resources (Berkes 1977, 1982; Feit 1978, 1986a; Scott 1987).

To the Cree people, knowledge is based on a world view in which all phenomena involving action can be associated with person-beings or power-beings (Hallowell 1955, 1976; Black 1967; Feit 1978). In other words, events and their causes are not attributed to natural or mechanical phenomena, but rather to the personal will of winds, weather systems, tools, animals, and other phenomena considered to be culturally active beings. Animals are thought to be capable of interpreting and understanding the actions of humans, and animal actions are interpreted as the result of willful choices. For example, Cree hunters only catch an

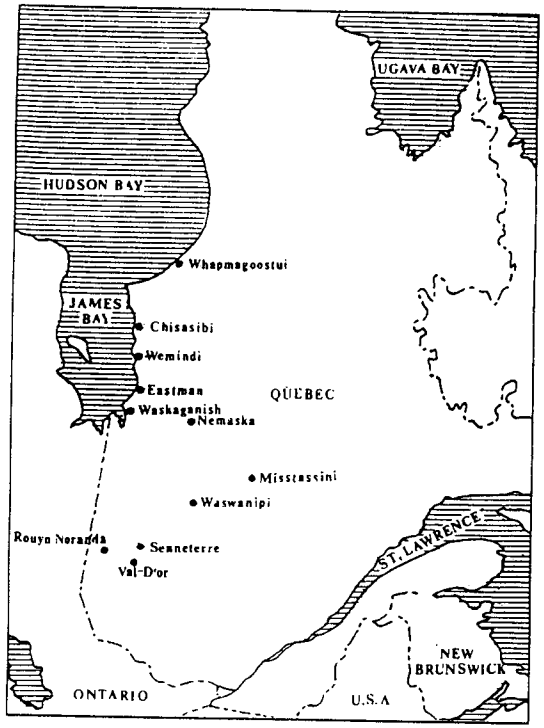

Figure 8.1. The James Bay Cree, approximately 10,000 in number, inhabit a 150,000-square-mile area in northern Quebec, east and south of James Bay. Shown are the Cree communities in that area.

animal when the animal gives itself to them or is given to them by the Supreme Being and the spirits. Similarly, they are given animals because they respectfully ask for what they need to survive, and their requests are heard. The Cree treat animals with respect in the way they hunt, butcher, consume, and use the carcasses, for they believe that the animals they hunt (whose souls can survive and be reborn) both expect and appreciate it. When animals are reborn, respectful and grateful humans can continue to find them a source of sustenance. The balance is reciprocal: When hunters act properly, animals continue to be born in healthy numbers, enabling humans to lead healthy lives (Feit 1986a). To prevent overhunting, the Cree believe they receive guidelines or signs from animals and spirits to help them determine how much they are being given. Understanding these communications from the spirits requires complex observations and interpretations of weather, and plant and animal populations.

The Cree's cultural system of understanding nature differs fundamentally from that of Western science. While Western science links animals, vegetation, and inorganic habitats in an "ecosystem model," the Cree incorporate all potentially active spirits and entities that they experience into a unified "social cosmos," where standard indicators such as cohort sizes, aggregation sizes, age and sex ratios, and frequency of encounters are considered not mere biological phenomena but actual messages from the animals and spirit masters.

Also in contrast to many Western views, the Cree value land not as a commodity to be individually owned, but as a common resource whose management and conservation is in the hands of designated stewards. Each one inherits stewardship of a more or less defined tract or hunting territory from a parent or elder kinsman and allocates access to other hunters through a system of indigenous community legal rights and privileges (Feit 1991; Scott 1991). Only one in five Cree adult males is a steward—usually a hunter who has used an area for many years (Figure 8.2). Through this system of resource management, the steward becomes the central repository of knowledge about a specific tract of land and its wildlife through his own, first-hand experience as well as that of the hunters he leads. In using this knowledge to effectively manage game populations and help others hunt and survive, he also exemplifies highly valued Cree virtues, as his wisdom is said to express insights communicated to him from powerful spiritual beings who sanction his authority and power.

The effectiveness of traditional Cree practices has been well documented in a detailed study of the Waswanipi community of James Bay Cree. During the study periods in 1968–69 and 1969–70, total harvests of both moose and beaver—the main subsistence game—were well within estimated sustainable yields, a remarkable fact given that the community had to purchase approximately half of its food to feed a growing population (Feit 1987a). Furthermore, repeated aerial surveys conducted by the Quebec and Canadian Wildlife Services during the 1960s and early 1970s showed that moose and beaver populations remained stable, indicating that the Cree territorial system of management was clearly effective in maintaining animal populations at sustainable levels over the long term (Audet 1976; Feit 1986b, 1987b).

Cree and Governmental Management: Historical Linkages

The Cree system of wildlife management has been linked to systems established by the governments of Quebec and Canada for more than 50 years. However, a formal and mutually agreed upon recognition of both systems and the establishment of specific mechanisms of coordination or co-management were not negotiated until 1975. This formal agreement was part of a process leading to the first modern treaty in Canada, the James Bay and Northern Quebec Agreement (JBNQA).

Figure 8.2. A Cree hunter on the lookout for geese duiring the autumn near Waswanipi.

The initial establishment of government policy in the northern Quebec region took place in the 1920s and 1930s, when both the federal and provincial governments declared much of the area an exclusive trapping reserve for indigenous inhabitants. This policy helped to re-establish the renewable resource base by excluding competing, non-native trappers and regenerating the indigenous economy after a period of natural game declines and destructive, unregulated competition from non-native commercial trappers. Unlike other regions where commercial-style traplines were imposed, provincial and national governments responded in a more culturally informed and appropriate way, basing the new program on existing hunting territory structures of the Indian peoples. The initiative was welcomed both by the governments involved and the indigenous peoples.

Yet its immediate beneficial consequences obscured some fundamental differences in how the governments and indigenous peoples viewed the policy. From the point of view of the provincial and federal governments, it was a new, legally formalized wildlife management system that was based upon but replaced an outdated indigenous system. The governments assumed legal authority for land and wildlife resources, an authority they believed was legitimized by the Western legal system. Indigenous peoples, on the other hand, perceived the governments as well-intended, well-informed, metaphoric kinsmen, who had acted with appropriate concern for a poorer relative by restraining the cupidity of non-native trappers (Feit 1986a, 1982). They recognized that their own system of hunting needed links to Canadian governmental authority that could regulate non-natives who were beyond the influence of the indigenous management system. They also believed that government intervention had strengthened their own management practices and that they were continuing to manage wildlife based on their own system. The Cree system derived its legitimacy from spiritual ties to powerful beings and from Cree customary law, however, and not from any delegation of authority or recognition by distant governments.

When government-authorized, nonrenewable resource development accelerated in the 1960s, these conflicting perceptions became increasingly evident. Along with opening the region for development, wildlife managers began restricting Cree hunters in order to enhance opportunities for growing numbers of non-native sportsmen. The conflict escalated in 1971 with the unilaterally initiated James Bay Hydroelectric Project, viewed by the Cree as part of a process of dispossession. The project provoked court actions against the government as the Cree demanded their aboriginal rights to the land and its resources and warned of the irremediable damages the project would cause to their culture and way of life.

Initial court rulings supported these aboriginal claims and set the stage for two years of intensive negotiations among the Cree, the Inuit of northern Quebec, and the provincial and federal governments. The final result was the James Bay and Northern Quebec Agreement of 1975 which, among other things, established agreements for management of wildlife, lands, and hunting. Over most of the territory, the responsibility for regulating fell to the government. The indigenous management system of the Cree was acknowledged as the primary means for Cree to regulate themselves. When joint action was needed, it was thought that non-native and indigenous peoples would voluntarily comply with jointly agreed upon regulations. The agreement also instituted a continuing consultative process, created to foster effective co-management and cooperation between the indigenous peoples and the government and establish linkages between the two systems of management. In addition, certain species and areas were designated exclusively for indigenous use, an environmental and social impact assessment procedure was initiated, and a unique guaranteed annual income program was established for Cree who pursued hunting as a way of life (Scott 1984; Feit 1988). The various interests and trade-offs that underlay the negotiating process behind the agreement are identified elsewhere (Feit 1980, 1989).

Assessing Coordinated Management in Northern Quebec

In signing the agreement, the Cree sought to preserve their distinctive culture and economy through greater cooperation and mutual respect. The government sought recognition of its authority and more effective local implementation of policies through coordinated management. While events since the agreement have promoted some of these desired outcomes, both indigenous peoples and government authorities have attained only a portion of their goals (Feit 1988). Cree

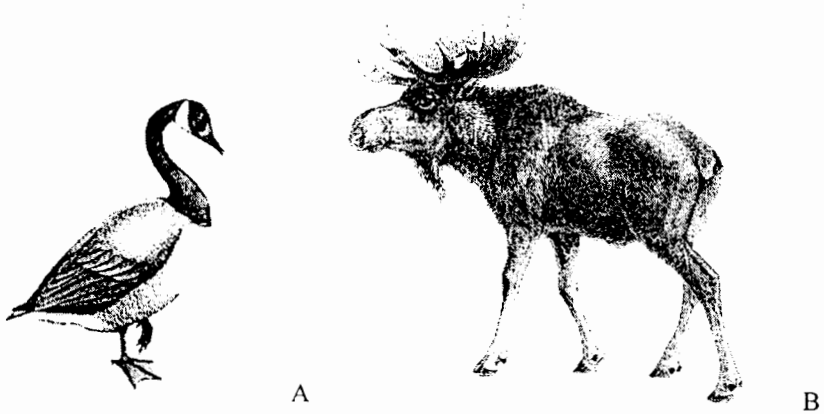

Figure 8.3. Geese (A) and moose (B) are two principal game animals hunted by the James Bay Cree.

hunters have benefited by the continuation of their hunting way of life and by the institution of the guaranteed annual income program. After a decade of decline prior to the agreement, the number of Cree whose primary productive activity is hunting initially increased by 43 percent and then stabilized. No general or widespread overutilization of game resources by the Cree has been noted, and the system of management through hunting territories has generally functioned properly. The agreement has enhanced traditional social norms, but important changes have also resulted from more formalized, community-level decision-making processes.

Uncertainty about the impact of future development continues, however. One reason is that the agreement's provisions, including the requirement for social and environmental impact assessment, have not substantially modified the kinds of possible large-scale resource development—forestry and hydroelectric projects—envisioned in the region. Long delays have weakened the agreement's coordinated management provisions, which have slowed its legal and organizational implementation. Most new wildlife management research conducted during the first years after the agreement's signing was carried out by indigenous peoples' organizations, not by the governments. Despite having claimed significant increases in their obligations for policing and research activities, government authorities have, in fact, committed very few additional resources to fulfilling their new responsibilities. Government policy making for managing the region's wildlife continues to be characterized by a failure to balance different interests as policies reflect a predominance of political interests over conservation goals. Resistance to changes in government management procedures has undermined efforts to involve indigenous peoples effectively in both the policy-making process and the economic development of the region's renewable resources. Furthermore, provisions that would have limited government policy initiatives to promote non-indigenous

commercial uses of wildlife, or that would have increased indigenous participation in these uses, have been ignored or subverted. On several occasions, indigenous organizations have had to seek legal recourse through the courts to remedy violations of the agreement.

So far, the Cree system of self-management has, to the extent possible, ensured conservation of game resources. However, Cree aspirations and hopes are constantly threatened by increasing sport hunting and political and economic developments. The coordinated pursuit of conservation and development has yet to be established, and many questions remain regarding the kind of coordinated wildlife management that may be practical between culturally distinct peoples.

Indigenous Peoples and Wildlife Conservation in the Canadian North

North Americans of European descent have long viewed indigenous peoples' hunting, fishing, and trapping ways of life as anachronistic behaviors, doomed in time to give way to more intensive, efficient, and reliable modes of living. This dim assessment has helped encourage policies that not only have removed land and resources from indigenous control, but also have sought a rapid assimilation of indigenous peoples into Canadian society. While such policies have been promoted by rigorous national legislation and administration, they have fundamentally failed to integrate the indigenous population. Over the last two decades, recognition of this failure has been accompanied by a resurgence in indigenous political mobilization. Historical, cultural, economic, legal, and political factors have all focused attention on the control and use of both land and wildlife as central issues. For northern Canadian indigenous hunters, land and wildlife are the vital links to culture, economy, and politics. They feel a close connection between their communities' ability to maintain cultural and economic autonomy and their right to use and control their land and wildlife.

Indigenous peoples and social scientists agree that several factors are essential to effective land and wildlife use policy in northern Canada: reaffirmation of spiritual and religious beliefs through practices and experiences tied to land-based living; continual re-creation of the social fabric of kin and community through the allocation of hunting rights, sharing of work, and distribution of harvests; recognition of the practical value of an economy based on wildlife resources for local self-sufficiency and reassurance that there are means to meet economic goals that opportunities in the cash sector alone cannot meet; and the essential contribution of wild foods to nutrition and health in isolated northern populations (Richardson 1976, 1989; Freeman 1979, 1985; Tanner 1979; Worl 1980; Brody 1981; Scott 1982; Langdon 1986; Hawkes 1991; Cooper 1991). Legal assertion of aboriginal rights has also reinforced awareness of the importance of land and wildlife, as aboriginal legal claims are enhanced by demonstrations of continued use and occupancy of a territory and its resources (Hutchins 1988).

These developments have introduced a succession of topics into Canadian public discussions since the 1970s, including the legal and moral status of aboriginal rights, the goals of northern economic development, the interplay of national and regional interests in governmental policy making, the compatibility of indigenous self-governance with legitimacy of the Canadian state, the means of remedying economic and social inequality between indigenous and national populations, and the viability of indigenous resource use and management and its consequences for government wildlife management policies. Land and wildlife use and management have now become central political issues in discussions of northern development and aboriginal rights in Canada. Wildlife biologists and managers, conservationists, indigenous peoples, politicians, and social scientists have all found that conventional wildlife and conservation science does not provide adequate models or policies for handling the complexity of this problem (Berkes 1981, 1984; Freeman 1985; Usher 1986).

Conflicting Legal Cultures and Legal Systems

In North America, wildlife management, conservation, and land use planning systems have developed largely within the context of the British legal tradition, the administrative structure of the nation state, and the ideological authority of Western science. Indigenous peoples' assertion of aboriginal rights to use land and wildlife in Canada has recently brought attention to several fundamental differences between their own management practices and those of the government.

For example, although most indigenous peoples accept citizenship and participation in the political system of the nation, they do not necessarily accept the present distribution of rights established by the existing legislation. With respect to wildlife, indigenous cultural knowledge and practices are incompatible with assertions by government officials that they must authorize all allocations for wildlife use. Indigenous populations typically do not accept that their rights to wildlife are either conceded or delegated to them by legislation, departmental regulations, or policies. Canadian courts have generally ruled that whatever rights indigenous peoples have to wildlife, they are subservient to the rights government grants to land-based resource users such as mining or logging interests (Usher 1984; Hutchins 1988). These rulings conflict with aboriginal hunters' own systems of rights and authority over land and wildlife use and present problems even when indigenous peoples seek regionally appropriate forms of economic development (Usher 1981; Hutchins 1988).

Much of the new literature exploring the need to consider indigenous cultures in wildlife and conservation planning proceeds either from the idea that it is practically desirable and mutually beneficial to do so or from equally important moral grounds for doing so (see articles in Hanks 1984; McNeely and Pitt 1985; and the Alberta Society of Professional Biologists 1986). Linking the legal systems of indigenous peoples and government for allocating rights to use and manage natural resources has little precedent within wildlife sciences, conservation traditions, or the international legal system. Moreover, the obligations under indigenous legal systems and international law for such linkages have yet to be systematically considered.

Conflicting Cultural Values and Subsistence Management Practices

Further problems in coordinated management stem from the fact that conservation strategies are specific to the legal, bureaucratic, and scientific contexts in which they are developed; thus, they are specific to the types of management problems that authorities try to resolve. Unlike governments, which may be more concerned with conservation of natural resources in the context of their use by commercial or recreational users, indigenous peoples depend on natural resources for significant portions of their subsistence needs as well as for marketable products (see Marks 1976, 1984). Not only is subsistence hunting regulated by culturally defined needs (as opposed to maximum harvest levels), it is organized around a domestic economy as opposed to a market economy. Because they are based on the needs of local society, production levels are not determined by a theoretically limitless market demand. Most hunting is conducted to meet culturally defined food and cash needs, and, when these needs are met, harvesting ceases (Scott 1982, 1984).

Such fundamental cultural differences in wildlife management surface in the frequent perception by indigenous hunters that governments regulate natural resources inappropriately. Restrictions on hunting seasons and bag limits, for example, decrease the efficiency of the harvester. While indigenous hunters may recognize that such limits work well for a sport hunter or fisherman, they do not make sense for the subsistence hunter. A typical response to what are perceived as inappropriate regulations is to surreptitiously harvest game or fail to report harvests fully.

Similarly, government wildlife officials often fail to consider the consequences of their regulations on a subsistence economy. Restricting access to an early spring fish run, for instance, may reduce a community's food supply at a time when food is most limited and may, in certain cases, cause an unacceptable seasonal deterioration in the nutritional intake of community members. Similarly, wildlife conservation officers may not support community restrictions on harvesting a resource, such as not taking trophy animals that are herd leaders or not killing geese in large aggregations. Government managers may consider such restrictions too limiting on sport hunters' time or trophy takes. They may reject the restrictions even though indigenous hunters say, on the basis of their experience,

that removing lead animals can increase the chances of changing migratory patterns or that hunting geese in the main flock will make many birds shyer and harder to hunt in the future.

Conclusions: Joint Management or Dual Management?

The differences between subsistence hunters' and government officials' wildlife management practices have not yet been resolved. Neither side has an adequate understanding of the other's positions, and fundamentally different interests block easy resolution. Indeed, the different roots of the two systems of knowledge and action suggest that while each might gain from understanding how the other works, the systems cannot be readily integrated or combined. Current problems stem from the fact that wildlife managers have not fully considered assertions by indigenous peoples that they currently have, or could re-establish, systems of effective management and conservation of wildlife and land.

Unfortunately, these issues are being discussed and policy is being debated on the basis of wholly inadequate data, and people are taking positions based on casual experiences without insisting that the issues be systematically investigated. Anecdotal evidence of indigenous peoples' wildlife misuse or wise conservation tells us very little about overall patterns or causes of events. This unsystematic approach to assessing indigenous wildlife management knowledge and practices also fails to evaluate the potential means of coordinating indigenous self-management with government-mandated systems. As a result, these systems are uncoordinated and often work at cross purposes, a situation that is detrimental to both parties.

Furthermore, while international conservation agencies and governments often cite the goal of including local participation in government management, such joint management is often insufficient in practice. In parts of Canada, for example, the long process of parallel local and government wildlife management has already generated direct legal and political conflicts (Usher 1986; Osherenko 1988; Pinkerton 1989). The James Bay and Northern Quebec experience also indicates that, even when such joint participation is established, it may be difficult to implement effectively. The difficulties occur both at the point of decentralizing bureaucratic decision making and in the continued influence of wider political and economic interests in wildlife management decisions. For example, governmental responsiveness to the needs of wildlife and the concerns of indigenous peoples can be severely restricted by its interests in resource development and by its political sensitivity to the interests of commercial and recreational users (see also Power 1979; Berkes 1989).

Proposals that local and government management systems should develop extensive co-management systems seem to be limited by the same constraints. Such proposals may not be easily implemented or even widely supported, given the fundamentally different values and interests of the two systems. Another alternative not yet sufficiently explored may be to seek dual management, which would feature more enhanced, local self-management and more responsive government management, with the two linked only in specific decision environments. It is striking that the James Bay and Northern Quebec Agreement has enhanced Cree self-management of land and wildlife. Still, it has not resolved all of the problems the Cree encounter when they must work with government-mandated management systems, which have been inconsistent and unresponsive to legal obligations under the agreement to establish effective co-management. These lessons indicate that the Cree are better off with their own self-management and with limited coordination with the government.

Given these conflicts, it is clear that what is needed in conservation management for situations involving culturally distinct societies is a model of parallel self- and government-mandated wildlife management. Such a model would contain links not only in specific arenas, but would also recognize the existence, authority, and mandates of both systems. In fact, the idea of continuing, developing, and extending self-management is now being actively pursued by several indigenous groups across Canada. At present, the continued and enhanced existence of self-management systems provides the best protection available to fulfill diverse cultural aspirations and the long-term pursuit of better coordination between indigenous and government-mandated management systems.

Epilogue

Recent efforts to coordinate wildlife management in the James Bay region have shown how political and economic constraints in government management—hand in hand with disrespect for local Indian management systems—can lead to a breakdown of government responsibility with regard to one species: in this case, coordinated management of the region's moose population has failed.

From at least 1974 the Cree have expressed to the Quebec government their concerns about the condition of the region's moose population. However, for a variety of reasons, the government refused to respond to these early warnings and instead pursued a policy of increasing access to the region by moose sport hunters. Sport hunting was expanded despite the fact that public forests of the southern portions of this region were being cut with increasing intensity by international corporations granted permits by Quebec. Although the Cree were able to sustain relatively stable moose harvests throughout the period following the mid-1970s, when they sought government cooperation for conservation measures, surveys conducted in the early 1990s have revealed alarming declines in the moose population (Lajoie 1994).

Initial proposals made by the Quebec government in response to these declines have been seriously inadequate given what is known about the demographics of the moose population (Messier 1993; Lajoie 1994). Furthermore, government proposals ignored provisions of the 1975 treaty with the Cree, including one that requires sport hunting to be reduced to minimize harm to Cree subsistence hunters. An adequate and legal response has not been formulated at this time, and the long-term future of the moose population is unclear.

This situation has serious consequences for a growing number of experiments elsewhere attempting to coordinate local and state wildlife management. When the Cree and the governments of Quebec and Canada were negotiating their respective responsibilities, it was the position of government conservation officers that they should have full and final responsibility, maintaining that only the government department responsible for wildlife management could act consistently in the interests of wildlife. In response, some Cree negotiators felt that joint management would be an acceptable compromise given their common interest in game conservation. On the basis of the latter assumption, they sought and agreed to a system of limited co-management.

The assumption that government wildlife agencies are consistently committed to conserving game has been put into question by these recent developments in Canada. It is already well recognized that government agencies generally give wildlife conservation a lower priority than other land and resource uses, such as forestry and hydroelectric development. The developments in James Bay show that even the department responsible for wildlife conservation may put the interests of sport hunters and its bureaucracy ahead of wildlife. When conservation ceases to be the priority of the government agencies charged with wildlife management, the basis of all cooperation threatens to dissolve. It is a tragic lesson, but hopefully not a permanent condition.

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Edited by R. J. Hoage and Katy Moran

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