

2 Chasse et gestion de la faune *Wildlife and Hunting*

The Power and the Responsibility: Implementation of the Wildlife and Hunting Provisions of the James Bay and Northern Québec Agreement

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THANK YOU. My mandate is to examine the implementation of the hunting, fishing, and trapping provisions of the Agreement, with a focus on the social impacts of the processes. As a social scientist and applied anthropologist, my own work during the last five years has focused on the changes in the Cree hunting economy after the Agreement, and on the workings of the various committees and boards set up under the Agreement to implement the provisions relating to hunting, fishing, and trapping. In the space available, I will try to present a concise summary of the impacts of the Agreement to date in these areas. In this process I will draw on the knowledge and work of many others, often more involved in aspects of the continuing process than I have been. Some of this other work has been published, much of it communicated in discussions and commentaries which I have drawn on freely.*

I will examine the impacts of the Agreement on the hunting activities of the native peoples from the point of view of their aspirations, and look at the legal regimes and bureaucratic structures established from the point of view of the stated purposes of the relevant provisions of the Agreement.

In the view of the majority of Cree people who supported its signing, the provisions of the Agreement relating to hunting, fishing, and trapping were the most important features of the Agreement. Of primary importance were the provisions of the closely related hunting, fishing, and trapping regime, the hunters' support programs, the environmental protection provisions, and the provisions for economic development of renewable-resource-based industries. Project modifications and lands were also of widespread importance, as were certain other sections, but few others were as widely considered as these. I had less direct experience of the processes in Inuit communities, but there my impressions were that while regional and local governance was the primary issue, hunting, fishing, and trapping provisions also ranked high in their considerations.

I will begin by outlining the native people's aspirations for the hunting, fishing, and trapping provisions, as I understood them. I think that the statements made in the Cree villages at the time indicate that the major aspirations were twofold: (1) to provide for the continuation of the hunting societies of their communities — what has been called the hunting way of life — by reversing the pressures which had been reducing participation in hunting during the previous two decades, and enhancing the opportunities for the young and for future generations to continue hunting as a primary activity; and (2) to establish a new relationship with Québec and Canada, a relationship of mutual respect and of mutual responsibility, one that would include respect by and for all resource users, and for the conservation of the resources themselves.

*The most important contributors have been noted in the Acknowledgements at the end of this paper and in *Wildlife Management: A Bibliography* in Part Two, "Perspectives and Documents."

To retain the oral form of the paper, references to the Bibliography have been omitted from the text.

Before examining the fulfillment of these aspirations, however, I must quickly review the main provisions of the Agreement relating to hunting, fishing, and trapping. The Agreement recognizes the right of native people to hunt, fish, and trap all kinds of animals at all times, over all the lands within the territories covered by the Agreement, on the one major condition that these harvesting rights are subject to the conservation of wildlife. A definition of conservation was drafted which gave priority to native needs over those of sport hunters and fishermen. Priority to native peoples was given effect through a series of measures, including areas and species whose use is exclusive to the native people.

In the case of the Cree, the Agreement recognized the Cree system of hunting territories and hunting-territory bosses, which is the Cree system for self-management of wildlife harvesting. With respect to the areas used by the Cree and the Inuit people, the Agreement recognized the right of the native peoples to define and adjust the areas of their harvesting activities. Both these provisions provide native peoples with the right to adjust harvesting as circumstances change, without the intervention of the provincial or federal governments.

The Agreement provides that the Québec and federal governments will exercise legal authority and enforcement powers over most of the region, although they would only do so in conformity with the regime established by the Agreement, and only after consultation with and advice from a Coordinating Committee composed equally of government and native appointees. The Agreement provided that there would be significant control of non-native activities in the territory of Northern Québec by means of an enforceable regime, and through expansion of the outfitting network in the region, which would provide an opportunity for significantly increased participation by native peoples in outfitting enterprises. Finally, the Agreement provided for an income security program for Cree hunters, a community hunters' support program for Inuit, and economic incentives to develop renewable-resource-based economies in the native communities.

At the time of the negotiation of the Agreement, the future of the hunting way of life was a matter of some concern and debate in the court case, among the various parties to the negotiations which followed the court case, and in at least some of the native villages as well. The viability of hunting as a way of life was not clear, given the pressures and declines that had been experienced in the previous decades.

The first and most critical test of the effectiveness of the Agreement is therefore its impact on the survival and security of the hunting way of life. The actual developments in hunting and the impacts of the Agreement can be summarized and discussed in point form.

1 The number of Cree people who make hunting their main productive activity increased by about one-third in the years immediately following the signing of the Agreement, mainly as a response to the introduction of the Income Security Program for Cree hunters, trappers, and fishermen (ISP). The number of Cree people hunting as their main productive activity quickly rose from about 700 to about 900 on average. The Agreement therefore initially met one of the aspirations of the Cree, namely, to reverse the declines in participation in hunting activities. To do this it had to insulate hunters from the frequent variations in their cash incomes resulting from instabilities in world fur markets, and from the frequent changes in government social assistance and economic development policies.

To put the overall level of Cree participation in perspective, in 1982-83, when 1 122 beneficiary units were registered, they represented about 43 percent of the resident adult population of the Cree villages. However, variations among the eight Cree communities were considerable, with ISP participation ranging from approximately one-quarter to over one-half of the community populations.

Impacts of the Agreement on Indigenous Hunting Societies

2 The Agreement has enhanced traditional social forms and practices. In particular, there has been an increase in the numbers of families going to the bush as groups, and there has also been a continuation of the traditional practice of multi-family hunting groups as the main residential units in the bush. In this respect the Agreement has met another explicit Cree objective, the general maintenance of the traditional social organization of hunting.

At the community level there have also been several changes in the social organization of harvesting decision-making practices, most related to the pressures that the growth of participation has put on coordinated decision-making. As a result of the need for greater coordination, community-level decisions concerning hunting land and wildlife harvesting have become more formalized. Such decision-making has developed because it meets a need which results from the increased intensity of use of land and resources. In this sense, then, the change is not a result of any specific requirements of the Agreement: most of the decisions which are taken at this level are not related primarily to the legal and administrative structures established by the Agreement, but rather to the Cree tradition of allocating access to resources through the hunting territory system, and managing the game populations.

However, knowledge of the Agreement — and therefore of French and English — and knowledge of the administrative structures set up to implement it, have become important resources in this decision-making process, because of the new programs and because so much of what non-natives do affects the land and wildlife, and the relationships with non-natives are shaped by the provisions of the Agreement. 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 the active participants in direct decisions on harvesting activities at the community level are intensively engaged in the hunting economy, so that although younger hunters are more active, decision-making directly about harvesting rests with hunters and not with administrators.

Nevertheless, it is also the case that hunting activities are profoundly affected by decisions concerning other developmental activities, decisions that were formerly taken outside the native communities. There is now frequently a native role in these decisions. Native communities and organizations are now actively undertaking some forms of economic land-based development on their own or through various kinds of joint ventures. They also play a role in decisions concerning development initiated by others, either through the environmental protection regimes or through direct negotiations with developers. In these cases the inputs are often made by native and non-native administrators working for native organizations, and hunters often have a limited role. Interviews in communities suggest that hunters are often not satisfied with their participation in these decisions. In this respect, then, hunters often feel that they are still not effective participants in the decisions about development activities that affect them. This is a change they thought the Agreement would bring about, but it has not occurred. The Agreement has changed decision-making in this area, creating some native participation, but without assuring the full and effective participation of the hunting sector of the native communities.

3 The amount of time hunters spent in the bush increased significantly after the Agreement and with the introduction of ISP, and has risen slowly since that initial increase. In the first year after the Agreement, the average amount of time beneficiaries spent in the bush increased about 25 percent compared to previous years. In the years since, there has been a further 10 percent increase in time spent in the bush. These increases have been in addition to an already intensive pattern of hunting effort.

The cash incentive ISP provides has therefore been effective as a means of increasing participation in hunting and of offsetting the significant disincentives to hunt created by economic and political conditions in the national and international arenas. However, payments are not sufficiently large to eliminate incentives for people who do not wish to hunt as their major activity, to take wage employment or other economic opportunities when these are available. Nor does the cash incentive to hunt

eliminate the intense work and the considerable skill necessary to hunt safely and productively, as sustained overall harvest levels suggest the Cree are doing, despite the intense disruption of the environment which has been occurring during this period. Nevertheless, hunting is being disrupted by development activities in many areas, as I will indicate below.

4 The Agreement has led to substantial increases in production within the domestic unit of bush housing, specialized equipment, clothing, heating, and other bush services; and of substantial increases in the use of regional support programs for hunting, such as bush radio communication systems and bush medical services.

5 There have been substantial increases in the use of goods and services imported into the Cree communities from the industrial economies of Québec and Canada. The emphasis here has clearly been on goods and services which increase the efficiency or security of bush life, but consumer goods have also increased. Items which aid transportation and communication have been especially heavily used.

The long-term implications of the overall growth in the use of imported goods and services are not yet clear. The growth in the use of imports was not started by the Agreement, but has been accelerated by the benefits it has brought. 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 as indispensable necessities.

ISP was intended to stabilize this trend toward increasing exchanges with external markets and to insulate it from cycles in the industrial economy and from manipulation of the markets on which the native people depend. It seems likely to have done this, since the major cash incomes needed by the Cree to purchase these goods and services now come from ISP and therefore do not depend on market conditions or government social policies. But at the same time, the actual prices that have to be paid for the additional use of industrial imports have not stabilized, and if they rise more quickly than ISP payments, as they appear to have been doing in recent years, the threat cannot be said to have been completely removed.

A further threat is of the increased incomes leading to a cycle of consumerism within Cree society, and this could work against any stabilizing and buffering effects. The long-term outcome is not yet clear. On the basis of the limited data available from some Cree communities, it appears that the debt of families increased when ISP started, from a level equivalent to several months of social aid payments to a level equivalent to a quarterly ISP payment. Recent trends in the Cree communities have necessarily been toward a reduction of the initial rapid growth in consumer expenditures which immediately followed the implementation of the Agreement, and toward a stabilization in the growth of consumption of consumer goods. This probably reflects both the limitations being imposed by lending agencies and the continuing perceptions by Cree hunters that levels of ISP payments are not rising as quickly as costs, as well as their fear that the payments might be reduced in order to keep the program within the man-day limits negotiated with Québec. Whether this stabilization 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 former. In the Inuit communities, where hunting-support payments are not to individuals, indebtedness is apparently increasing.

6 The Agreement has aided the Cree hunting sector of the regional economy to expand during periods of recession in the employment/enterprise/administrative sector, and to engage a larger number of Cree people in intensive hunting activities. In 1982-83 the number of ISP beneficiary units rose from 929 to 1 106, an increase of 21 percent. About half were men joining the ISP for probably the first time, and many were young and unable to find work. How many of these young people will stay on after practicing intensive hunting, and if employment is again more readily available, cannot be predicted now. Participation and commitment by young Inuit who take up hunting activities may differ from the pattern found in Cree communi-

ties, where recruitment of the young appears to equal or exceed the number of older community members who cease hunting.

It is also important to note that the present expansion of participation in hunting repeats the role that the native peoples claim the hunting economy has played in their history, that of being the stable and secure economic sector, and one able to absorb some of the underemployment created by cycles in the commodity and labour markets, although it must be added that hunting clearly cannot absorb all or even most of the current underemployment, or the increasing number of young adults and the resultant demand for employment which the future will bring.

This growth of participation in hunting, and the relative stability of the hunting economy, are perceived by some hunters and observers as indicators of the continuing long-term viability and importance of the hunting way of life to the Cree.

7 The Agreement has created an increased confidence among some Cree hunters that, after the insecurities of the 1960s and early 1970s, there has been an increase in the viability of the hunting way of life, and this is reflected in an increased encouragement to young people to pursue that way of life. The long-term effects of this pattern cannot be precisely predicted, but it is a good indicator of a potentially positive future for recruitment to intensive hunting. However, there are also perceptions that hunting is getting harder as a result of the extensive development occurring in various areas, and that the Agreement has complicated the lives of hunters. These perceptions may be especially acute in areas where there was little effort to enforce wildlife regulations on native people before the Agreement and therefore little sense of the relief it has brought from such harassment, as well as in areas where extensive development has undermined the increased confidence arising from other provisions of the Agreement.

8 The Agreement has not resulted in any general or widespread over-utilization or depletion of game resources by the Cree, and the Cree systems of hunting management have generally continued to work to regulate harvests and conserve wildlife. Local problems of wildlife conservation have developed as the management of more people hunting for longer periods becomes more complicated, and as the number of young and not yet experienced hunters increases. Both hunters and community organizations have responded with various efforts designed to help inform and educate young hunters in indigenous hunting practices. They have also initiated efforts to distribute hunters more widely and in relation to the condition of the game populations. In some communities, bag limits or quotas have been agreed to internally in order to limit the numbers of various species being harvested.

In much of the area the most important conservation problems appear to be being met successfully by local-level initiatives. Nevertheless, the long-range outlook is for increasingly complex tasks facing the local native managers, and there is a clear need to continue adapting indigenous management practices to changing circumstances. While such adaptation has been ongoing and can be expected to continue, the impacts of increasing development and the lack of credibility of local-level management in the eyes of administrators and government-mandated wildlife managers continue to threaten the efforts of local-level decision-makers.

9 In spite of these rather positive local developments, it must be emphasized that there is clearly no long-term future for the hunting economies if there is not, in fact as well as in policy, a real priority given to land and wildlife resources in the decisions about how land and nonrenewable resources are used. Although others will be reporting on the implementation of the environmental regimes of the Agreement, I need to address these issues briefly. Many native hunters fear that unless conservation and use of wildlife and land resources are given greater priority than they have been accorded recently in development planning and in the decisions on nonrenewable-resource projects, the future of the hunting way of life will become clouded and uncertain.

On social, economic, and ecological grounds there are reasons to believe that controlled development could be quite extensive and yet remain compatible with needed environmental protection as well as being of potential benefit to native peoples in the North. The view that some considerable forms of development could be compatible with the needs of the hunting way of life has been repeatedly asserted by Cree and Inuit hunters. However, an effective way to assure this balance has been elusive. In the view of many of the hunters, the environmental regime has not yet been strong enough to establish an effective balance between wildlife conservation and large-scale development interests, or to allow Inuit and Cree an effective place in the planning process.

10 It was known during the negotiation of the Agreement that some impacts of ongoing and future development would be inevitable, and provisions were negotiated in an attempt to help native hunters to continue their activities and economy despite the effects of development. To survive the effects of the reduction of wildlife populations that would accompany even regulated development, native peoples clearly needed access to other currently under-utilized wildlife resources.

Access to alternative wildlife resources was provided through the ISP and hunter assistance programs and the various measures to give priority to native needs and to provide a procedure for guaranteed allocation of available harvests.

Although such alternatives could not replace the loss suffered by individual hunters through the destruction from development activities of land and wildlife in which a lifetime of knowledge and care had been vested, it was foreseen that the relevant provisions of the Agreement could provide access to some under-utilized wildlife resources and thereby help to reduce the threat of a decline in total community harvests. To date, these provisions appear to have worked at the community level. Between 1974-75 and 1978-79, no downward trends in total available weights of food from harvesting occurred in the affected Cree communities.

The programs have thus helped the community as a whole to respond, although they have not fully remedied or compensated individuals who have suffered direct losses from specific projects, or who have suffered not only a reduction in their own activities, but also a reduction in the opportunities they see as being available for their children.

11 The effects of ongoing development, especially forestry and future hydroelectric developments, create uncertainty for the future. The major renewable resources the Cree use are species that are either relatively localized (for example, moose, beaver, non-anadromous fish), in which case the effects of development so far have also been localized; or migratory species (for example, geese, smaller populations of caribou) whose patterns have been affected only marginally by the developments to date. Future developments are likely to alter this situation.

To summarize the first part of the paper on the social impacts of the Agreement on the maintenance of a hunting way of life, on native participation in hunting, and on local-level control of native harvesting activity: to date the Agreement has been a partially effective means of maintaining and enhancing the subsistence sector of native economy and society. The Agreement has also lessened the impact of government regulations and policing on the native people, but has not been able to secure the future viability of the hunting sector. There are important doubts among hunters that their successes in adjusting to the changes to date can continue. Furthermore, there is a real sense of tragic loss among those who have already been directly and irremediably affected.

It will have been noted that most of my comments and data have focused on the Cree and their region. Insofar as I am familiar with these issues as they affect Inuit regions, I believe the conclusions are not fundamentally dissimilar, although at various points I have noted specific differences, especially where I have had differences noted in responses to the original version of this paper. It is clear that some of the most

Summary of Impacts on the Hunting Societies

dramatic environmental impacts of the La Grande complex have occurred on Inuit lands and affected their wildlife, especially caribou, and that these impacts have been suffered by Inuit hunters, whose sense of concern for the future is as pervasive as the Cree's.

The Agreement has maintained or enhanced the hunting way of life, but it has not removed, and has in some ways darkened, the cloud over its long-term future.

Implementation and Impacts of the Legal and Administrative Regime

The Issues in the Negotiation of a Coordinating Committee

Research among the Cree of Québec and related research in various jurisdictions among Indian and Inuit peoples have emphasized the existence of complex, socially organized systems for making decisions and directing hunting activities and for distributing and consuming the products thereof. In increasingly frequent cases, these systems have been shown to be effective not only in constraining the use of wildlife resources but, at least under certain conditions, in managing and conserving the resources as well.

An important factor in this capability is the extensive knowledge that senior hunters have of the land and wildlife they manage. This knowledge comes from observing trends in game-population indicators and harvests over many years. Harvests can be adjusted in response to these trends. In the case of moose and beaver, the observed indicators 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, frequency of births, the 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 the animals. These are precisely the kinds of data that non-native 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 these distinct tracts (which average about 1200 square kilometres) over a period of many years, have detailed knowledge of the game populations they hunt and manage. In the negotiations, the Cree and Inuit people argued that their capabilities as managers should be acknowledged in the structure of the Agreement, and this was done in several places.

Although native harvesting was given recognition in the Agreement, this is not to say that the local native systems can be isolated from outside interventions. History had shown that the actions of non-natives can disrupt the systems. The historical limitation of the local management systems lay in their ability to regulate the activities of members of the indigenous community only, and this is why simple governmental recognition of the systems, however important, was insufficient. Means were still needed to regulate non-Cree use and the effects of this use on wildlife. Some form of governmental and administrative authority was therefore also essential for effective management.

For their part, the government negotiators were aware that in the highly decentralized systems of hunting camps and hunting territories that characterize Inuit and Cree hunting respectively, only the most general and therefore cumbersome regulations can be enforced by a centralized authority.

This situation provided an incentive for a common agreement that a regime involving both native and governmental inputs was in the interests of wildlife management and of wildlife users. Thus, there was a need to articulate the indigenous systems with management systems designed to regulate non-native activities, and there was a mutual benefit in recognizing both systems. Most of the specific provisions of the Agreement are designed around such needs.

During the court case against the James Bay hydroelectric project and in the negotiations leading to the Agreement, the indigenous people consistently asserted that their aboriginal rights included a right to harvest and use wildlife resources without being subject to governmental authority. In their understanding, these rights derived from God and were confirmed by continuing use and need. Their rights could and should be given legal form and protection, but they did not derive from the constituted legal system.

A central expression in the Cree phrasing of the issue is *reciprocity*: the reciprocity that should exist between men and animals, among native hunters, and between native and non-native users of the land. Such reciprocity is shown by respect, the respect Crees show to animals by not over exploiting them, and by the rituals for processing and consuming them; the respect among hunters for the needs of others and the sharing of resources; and the respect which should exist between natives and non-natives, who should each use resources in such a way as to respect the needs of the other.

The native peoples argued that they had conserved and managed the wildlife of Northern Québec and that was why there were substantial wildlife populations there today, but that a new relationship was needed with government and non-natives in order to deal with the impacts on Northern Québec of large-scale development projects and of sport hunters and fishermen. The native negotiators saw the need for a new regime as requiring the creation of a forum in which there would be an extension of the negotiations that were then underway, so that native peoples and governments could continue to negotiate policies and decisions that would be acceptable to all parties. It was a position which accepted compromise but sought self-governance.

The initial position put by the Société de développement de la Baie James, which was only after several weeks joined at the negotiations by representatives from the government, was that native people could control administration of the hunting, fishing, and trapping provisions, but that the regulatory authority would be governmental. The native reply was that not only administration, but control over the formulation of the regime, should rest with regional or local native authorities.

The idea of a "coordinated" decision-making process was proposed by representatives of the Société de développement de la Baie James and the ministère du Loisir, de la Chasse et de la Pêche (MLCP) as a response to this impasse. The native parties suggested that a decision-making body made up of equal numbers of native and government representatives have decision-making power, so long as it operated under a set of criteria negotiated in the Agreement.

The MLCP representatives argued that the province had and would in future have the responsibility and the right to manage wildlife resources and their use. An Inuit representative indicated that in the area north of the 55th parallel very little study, policing, or protection of wildlife had been done by Québec, that he himself had never seen a game officer in the area, and that there appeared to be very little responsibility felt by Québec towards that area. His comments made clear that the negotiations were not solely a forum for recognizing existing authority, but rather one in which MLCP was in effect extending its practical if not its legal jurisdiction. It was doing so both by claiming the right and the need to manage Northern wildlife resources, only a few of which had formerly been the object of government attention, and by reasserting its right to manage the wildlife of the area of the Société de développement de la Baie James municipality, an area in which the Société was asserting management rights in opposition to MLCP's.

Consistent with this goal, the MLCP representatives argued that government regulation of the resources was essential, primarily because this was the only way to ensure the conservation of wildlife, given the competing claims of different user groups. They proposed a regime which would guarantee weighty and effective participation by native peoples through a coordinating body, a formula which they claimed would also safeguard the interests of wildlife and of other user groups. They affirmed that wildlife management had to assure the traditional activities of native people, and that these would have priority. They argued that big game, for example, required special protection because of low productivity, and that periodic technical research was essential for managing wildlife and harvest levels.

In response to this inflexible government position, the native negotiators sought to explore whether the possibilities for strengthening the coordinating body's powers, and for limiting the exercise of governmental authority, could be sufficient to establish a potentially workable compromise. The strongest compromise which

could be achieved in the Agreement provided for equal representation on primarily consultative bodies, with the provincial and federal governments retaining final decision-making authority for most, but not all, issues. However, this authority was constrained by a series of legally binding principles of decision-making which specified native needs and priorities, by the procedural specifications that required the government to receive advice before acting, and by the detailed regimes negotiated in the Agreement itself. This system does not directly challenge government sovereignty, although it significantly constrains the exercise of that sovereignty. The limits on government authority were established both by negotiating as detailed a regime as was commensurate with operational effectiveness, so that decisions that had to be made on a day-to-day basis were as narrow as possible in scope, and by establishing the rules and principles within which governments would exercise their authority.

How, then, has this system worked in practice? In particular, has it: a) provided new and effective management and protection of wildlife; and b) established a reciprocal respect between native peoples and government-mandated wildlife managers? I will review each of these topics in point form, as above.

The Management of the Wildlife of Northern Québec under the Agreement

1 Implementing the provisions of the Agreement has been a long process, and it is still going on. Although a working group which was the forerunner of the Coordinating Committee began meeting several months after the signing of the Agreement, and although a secretariat had been established within a year of the Agreement, the specific legislation implementing the provisions of section 24 had to be drafted and commented on and negotiated word by word, and it was not passed until three years after the signing of the Agreement. The preparation and discussion of the internal bylaws and working procedures of the Committee were begun before the legislation was passed, but took an additional two years to complete. A similar period was required to fully establish the Committee's secretariat. Nevertheless, despite the considerable delays, the Coordinating Committee has been at work since about six months after the signing of the Agreement, even though it took nearly six years to establish it fully at an organizational level.

2 The demand for research and information has been especially strong during the first decade of operation of the Committee, as expected. This reflects the fact, previously mentioned, that there was a relatively limited governmental presence in wildlife management in Northern Québec prior to the signing of the Agreement. It also results from the fact that additional and new information was needed to implement the measures in the Agreement, and that the native peoples added new concerns to the agenda for wildlife management in the North.

There were already some extensive wildlife research programs underway during this period as a result of the hydroelectric project, but they were primarily inventories and surveys, and they only partially met the information needs required for effective wildlife management. Funding from Québec appeared to limit the extent of research that MLCP and other Québec agencies could undertake for management purposes and, as I will indicate below, political as well as financial issues were at stake in this process.

Many studies requested by the native people, and which seem both reasonable and essential for effective management, either were not undertaken or were undertaken only after long delays. Indeed, for several years the Cree Regional Authority and Makivik Corporation themselves funded a number of wildlife research projects aimed at using existing data to identify and examine the intensity of utilization of certain wildlife populations thought possibly to require closer management. It is ironic, after the MLCP assertions during negotiations that effective wildlife management required technical skills only available to governments, that during the first half-dozen years after the signing of the Agreement most of the new management-oriented research on Northern Québec wildlife should have been done by and funded by native organizations.

Where the federal government was concerned, the number of species being managed was more limited and the obligations of the federal government in Québec ranked higher on the list of political priorities, so more new research was funded.

The most important feature of these studies has been the relationship Makivik has established with these research programs. When first approached to approve the proposed research, Inuit representatives refused, pending fuller discussions of the need for the research, its objectives, and the means of conducting it. This in part reflected an often widespread discontent among native hunters with the way wildlife research was often conducted — not consulting native people or using native knowledge or skills, treating wildlife in a fashion that was offensive to the native peoples (for example, drugging and tagging) — leading to undesirable and perceivable impacts on the behaviour of the animals or the conduct of harvesting activities.

Discussion between Makivik and the government went beyond methods of research and established a more substantial joint-project process. The projects are designed to meet government and Inuit objectives and goals, they are contracted to Makivik for their implementation, Inuit skills are used in the design of research tasks and methods, Makivik subcontracts to research organizations any work it cannot do in-house, and results are jointly available and jointly interpreted. This was, in short, an innovative step towards an effective form of cooperation in wildlife research, and a model for future research within and outside Northern Québec.

3 Since the signing of the Agreement, major revisions to wildlife legislation have been drafted or suggested by both governments and by each native party. Nevertheless, I think it is correct to say that the system of wildlife management in Northern Québec has not changed fundamentally since the Agreement. This is in some respects a positive outcome, as it suggests that native management continues to be generally effective and that what was needed was primarily a slow intensification of existing governmental management structures.

However, the other side of the coin is that there has been a perceptible resistance to changes in governmental management procedures, even when conservation of the resource is the motivating pressure for action. The most striking characteristic of this inaction has been its apparent political nature: it appears that delay and procrastination have become strategies in government policy-making.

For example, the Cree and Inuit representatives on the Coordinating Committee have called for giving consideration to closer management of certain wildlife populations which they consider to be intensively used and possibly over-utilized. The most important instance of this has been the moose populations of the buffer zone, where intensive harvesting by both Cree and non-natives occurs. In this area Cree requests for more management-oriented studies went largely unheeded over a period of several years. Even a recommendation supported by the Coordinating Committee was not followed. This was all the more puzzling because as far back as 1974, during the negotiations, MLCP officials expressed concern about the intensity of use of these populations. Although funding was short, as the government argued, the issue is not simply one of available funds but rather of priorities in the allocation of existing funds.

This is demonstrated by the fact that the government did respond to these concerns twice. In the first case, following a scathing and unfounded article against Cree over-hunting in a hunting and fishing magazine, the MLCP, without consultation with the Cree, had conservation officers conduct an ill-designed survey of Cree camps. This project seemed directed at harassment, or at trying to document harvest levels, the significance of which could not be determined without the survey research on the moose populations which had been requested and ignored.

More recently, MLCP has initiated a survey of the moose populations of the region, but at the same time it has conducted yet another ill-designed and harassing survey of Cree camps. This survey does not appear to be designed to respond to the Cree or Coordinating Committee requests, but it follows closely in its timing the expression of concerns by non-native residents of the region about Cree over-hunting, and

appears to be a response to this pressure. It does not therefore appear to follow from conservation considerations which have been discussed over many years in the Coordinating Committee, but rather from the new political pressure from the region. I think this case is not unique, although it is probably the most urgent from the point of view of conservation in the region.

Several cases indicate that wildlife-management decisions are being motivated more by the politics of the decision-making process than by the perceptions of conservation needs and problems. Because a political factor is always a part of administrative realities, the problem is not that politics is playing a role in decision-making. Politics among government agencies and between governments and organized public hunters' groups is normal. The problem is that there appears to be a predominance of political factors in wildlife-management decision-making in Northern Québec, to the detriment of conservation considerations.

I do not of course mean that there are not many deeply dedicated and concerned individuals within MLCP and associated with the Coordinating Committee, but their voices have not consistently prevailed in departmental decision-making. My review of the wildlife-management decisions taken to date indicates that government decision-making in the last decade in Northern Québec has been dominated by political rather than conservation considerations. Fortunately, most wildlife populations are doing well and are not in danger, but what will happen as populations do require joint-management consideration?

4 While management of the major problem wildlife populations happens to fall under Québec's responsibility, some concerns exist with respect to federal issues as well. Canada and Québec are responsible under the Agreement for bringing the legislative and regulatory regimes of the governments into conformity with the provisions of the Agreement, and this includes seeking changes to international agreements. This process took several years but is now substantially complete, with one exception — the Migratory Birds Convention and its implementing Act. The convention between Canada and the United States precludes a legal spring waterfowl hunt, although these provisions have not generally been enforced in the north of Canada or in the United States. These provisions directly conflict with the native right to harvest, and the native people specifically state in the Agreement that they do not accept application of these provisions. Canada is obliged by the Agreement to seek a change to the Migratory Birds Convention. Canada says that a protocol which would help to alleviate this anomaly is held up in the United States. Contacts with colleagues in the United States indicate that they are being told that it is held up in Canada. I do not know the actual reasons for the delays, but it is possible that neither government has been pressing forward with full vigour, desiring to delay a change while keeping an eye on discussions with native groups elsewhere. Whatever the cause, this serious anomaly has now continued on the books for a decade.

5 Enforcement of the Agreement regime and the control of non-native hunting and fishing, outfitting included, have been the slowest and most controversial aspects of implementation.

The training of native conservation officers was delayed until 1980-81 by a lack of special funding, and after training, permanent full-time employment was not readily available, again due to funding. Today there is still a shortage of enforcement officers in the territory. As a result, the conservation of resources and the control of violations of existing regulations are inadequate. A more or less steady flow of reports from the native communities indicates the existence of problems and violations, especially but not solely by non-native workers in the territory, which have largely gone without effective response. This makes it clear that the special funding which is needed to implement the provisions of the Agreement has not been set aside by governments.

Whereas enforcement and changes to the management regime have been delayed, it is noteworthy that those changes to the regime which have been implemented by Québec are primarily changes which provide for increased use of the wildlife of the territory by non-natives. Thus, along with the increased access provided by the road

and communications networks being built for development purposes, sport hunters and fishermen have been aided by the elimination of some wildlife reserves and by increases and extensions in certain bag limits, seasons, and zones. While these measures are not inappropriate per se, in the context of the failure to effectively monitor the condition of key game resources and in the context of the failure to implement the outfitting provisions of the Agreement (discussed in the next section), they constitute a consistent pattern of failure to regulate and control non-native hunting and fishing, and emphasize the failure to fully implement protection for either wildlife or native uses and priorities.

6 With respect to outfitting, the right of first refusal established by the Agreement in favour of the native people has been a subject of confrontation and legal action over several years. The express provisions in the Agreement, supported by MLCP at the time, that outfitting should be developed both as a means to native economic development and as a means of facilitating controlled access to the wildlife resources of the territory by non-natives, have not been fulfilled.

Québec and its Crown corporations have clearly sought to reinterpret these provisions of the Agreement, as a declaratory judgment in Superior Court against their interpretation has indicated. Nevertheless, following the ruling there has been little active progress towards implementation of the provisions, and some government agents appear to have facilitated outfitters' and potential outfitters' avoiding them.

These provisions have had a truly sordid history of non-implementation by the government of Québec, one which I will not dwell on further except to note that the existence of such intentional violations of provisions of the Agreement has implications for other negotiated agreements between native people and the governments involved. These cases suggest that not only are political pressures more significant in present decision-making than management and conservation considerations but also, at least in regard to certain aspects of the implementation process, that political pressures are more important than legal obligations and negotiated compromises.

In short, the conservation of wildlife has not been assured by the Agreement, primarily because of incomplete implementation by governments.

7 The Coordinating Committee is an innovative concept, and one which is now being tried elsewhere in the Canadian North. As a new kind of institution, it was almost inevitable that it should go through a long process of development.

The concept of a relationship between native people and governments based on coordinated decision-making was not at first recognized by government representatives as constituting a new kind of process. Thus, governments took decisions and acted without doing anything more than passing on information or comment to the Coordinating Committee. This process worked just as in the past, and consultation occurred in the same fashion as it did with various fish and game associations — that is, the consultation was seen to be outside the formal and legal decision-making process, and was seen as a voluntary gesture of good faith by government representatives. Because the process is voluntary and external, consultation does not take place until the policy change has been extensively studied and formulated, and usually after a strong commitment has been made to the changes by senior administrators. As a result, the consultation is often just a rubber-stamp operation, and there is usually little chance to shape the major thrust of the policy. On the several occasions when there have been strong counter-recommendations from the Coordinating Committee consulting process, they have been ignored by governments. If the native people consulted wish to have more of an impact than this, then the burden is on them to mount a major public campaign to change the direction of this policy.

The Coordinating Committee process was supposed to be different, because it is a legally binding formal process of consultation with a comprehensive structure and

The Coordinating Relationship between Governments and Native Peoples

a clear place in the governmental decision-making process. Nevertheless, during the early years it was common for government policy decisions not to be referred to the Committee, or to be referred at such a late date that effective coordination of the native inputs to the decision-making process was difficult or impossible.

Over time, some of the members of the Coordinating Committee have tended to move toward an understanding of the legal provisions governing the Committee which is closer to that intended at the negotiations, and the participation of the Coordinating Committee in decision-making may with time become more effective. But the change has been slow, and progress to date has been difficult to judge. Nevertheless, despite the signs of progress to come, the rapid turnover of membership and the very innovative character of the process have worked against the establishment of a completely effective process. In each of the last few years, major legislation, and even regulations directly implementing parts of the Agreement, have been given legal effect without consultation.

8 The deliberations in the Coordinating Committee and the decisions of the government do also involve numerous examples of effective respect and cooperation between native and government representatives, but there is all too frequently an element of paternalism and a colonial mentality in the governments' dealings, one which refuses real equal participation of and respect for native representatives. The paternalism is partly a function of some of the individuals involved, but it is also apparent in government policy and decisions. This was demonstrated when a wildlife survey was conducted shortly after a protest by non-native sportsmen, although for years such a survey was refused when requested by the native peoples and the Coordinating Committee. It is as if the animals on which native people depend, or the concerns for wildlife they express, are not as important as those arising from government staff or from other sectors of the non-native public. This is the sense in which native hunters thought they would be establishing a new relationship with the governments when signing the Agreement — that they would be heard with respect and would participate effectively in regional decision-making. There are as yet no clear signs that they are respected or are participating as equals.

9 On this issue it may be instructive to compare the Cree Income Security Board with the Coordinating Committee. The Board, like the Coordinating Committee, is comprised half of government and half of native representatives, but in contrast to the Committee, the Board has broad powers to make decisions within the general structure of section 30 of the Agreement and its implementing legislation. The Board also has a formal status separate from both government and native organizations, and a secure budget with an adequate administrative staff of about ten people, including staff in each Cree community, compared to the Coordinating Committee's under-funded staff of two.

The Board appears to have generally struck a better balance of interests, and has made a more autonomous and effective set of decisions than has the Coordinating Committee, at least to date. More members of the Board have developed strong and long-standing commitments to the organization and its mandate. Disagreements are more effectively negotiated at the Board, and the decisions taken by the Board deal practically and in a timely fashion with the problems the Board addresses, whereas the Coordinating Committee often fails to take decisions, or has its recommendations ignored or delayed by governments.

Now, these differences certainly relate in part to the differences in the mandates of the two groups. Both have to deal with applying the Agreement and the relevant legislation to rapidly changing circumstances, and both have to see that decisions promote and conserve broad social or environmental interests and values respectively, but the Board does not deal with a situation of direct competing claims for resources, and in that respect its decisional environment is somewhat less complicated. The Board's decisions are probably therefore less often controversial. It is also probably true that because the Board's decisions are explicitly about funding, it finds

It easier to have its decisions treated as weighty by government policymakers, whereas decisions on wildlife resources carry less weight outside the responsible departments.

Nevertheless, these differences do not explain all the differences in the quality of the decisions made. I am led to speculate that its more extensive decision-making authority and the greater autonomy of its organizational structure from departmental bureaucracies may also be major factors in the relatively higher responsibility and respect with which the Board has conducted its mandate.

The Coordinating Committee has devoted most of its time and energies to exclusively administrative and legalistic issues, rather than primarily to issues relating directly to the management and use of wildlife. This is both a symptom of the lack of authority and direction, and itself a cause for disillusionment and further loss of authority in the eyes of government administrators, native peoples in the villages, and the members of the Committee themselves. The Committee therefore has a low profile in the region and within government, and its membership is often frustrated and disenchanted. Both native participants and government wildlife managers tend to find the legal and administrative focus of Committee activities somewhat removed from immediate and practical concerns, thereby diminishing their own status, expertise, and commitment. Instead of playing a leading role in the development of effective wildlife management in the territory, the Committee reacts to initiatives arising elsewhere, and in this respect it has clearly failed to fulfill its original mandate.

If this conclusion is correct, it suggests that the type of compromises being tried in the concept of the Coordinating Committee may have distinct limitations. However, it may be too soon to reach a conclusion: the implementation process has been so slow that it may only be at some later date that the limitations and possibilities will become clear.

In summary, then, I think much has been accomplished in the implementation of the hunting, fishing, and trapping provisions of the Agreement, but much remains to be done if we take as the criteria of success the protection and enhancement of both the wildlife of the region and the hunting societies of the native peoples. The changes that are still required will, in my view, involve not only the completion of the long process of implementing the Agreement, but also of finding means to modify or extend provisions so as to better accomplish the goals and objectives clearly stated by the parties in the Agreement itself.

In particular, I think that governments have not given consistent enough priority to their self-declared responsibilities toward wildlife or to the negotiated responsibilities to effect a new relationship with the native people, based on full and mutual respect and on coordinated decision-making.

Native people have on occasion contributed their share to the shortcomings, but since the burden of authority is on the governments' side, so the burden of responsibility must fall there too. Possibly it will only be through a more effective and equal sharing of both rights and responsibilities that the goals agreed upon ten years ago may be achieved.

At the community and hunter level, the hunting way of life has more than survived these ten years: it has been enhanced and strengthened, and it has been partially insulated from the direct impacts of the shortcomings of the coordinated decision-making process. Nevertheless, individual hunters have suffered irremediable damages, and the longer-term prospects remain clouded. Assuring the native hunting societies a future will depend on a fuller implementation of the goals set out in the Agreement. □

Summary and Evaluation

Acknowledgments

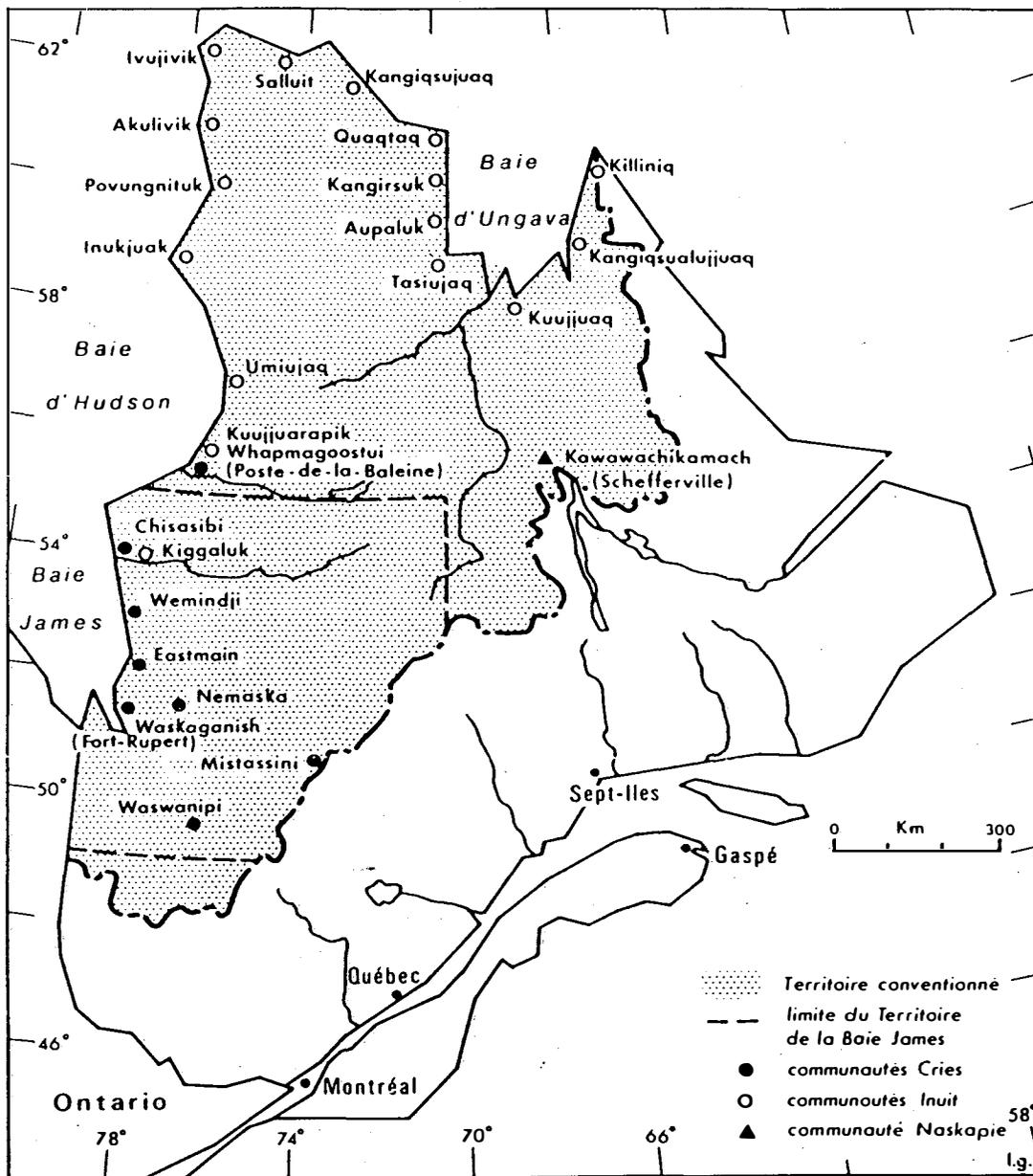
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H. A. Feit
G. Moisan



Paul Wilkinson

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**BAIE JAMES
ET NORD QUÉBÉCOIS:
DIX ANS APRÈS**

**JAMES BAY
AND NORTHERN QUÉBEC:
TEN YEARS AFTER**

Sous la direction de
SYLVIE VINCENT – GARRY BOWERS
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