



**THE INCOME  
SECURITY  
PROGRAM FOR  
CREE HUNTERS IN  
QUEBEC, CANADA:  
an experiment in  
increasing autonomy of  
hunters in a developed  
nation state<sup>1</sup>**

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The Income Security Program for Cree Hunters, Trappers and Fishermen (ISP) was negotiated and established under the James Bay and Northern Quebec Agreement (JBNQA) as one of an integrated set of provisions of that aboriginal land claims settlement which were designed to assure the continuation of hunting, fishing and trapping as a viable option and means of livelihood for those Cree who practise these activities as a way of life, and for members of future generations of Cree who may wish to pursue that way of life. ISP is an experiment in increasing the participation in and intensity of hunting activities in the face of powerful disincentives to hunting created by external conditions affecting the Cree population for whom hunting is a core of social, cultural, economic, personal and religious life. Where hunting is essential to the maintenance of societies and cultures like those of the Cree, and in so far as hunting is still a valued and important means of locally providing for subsistence needs such means of assuring the continuation of the hunting way of life may serve more generally to protect and increase the autonomy and self-determination of contemporary hunting peoples.

In this respect the ISP experiment is one with potentially broad implications. Nevertheless, ISP was designed not as a general solution, but as a historically specific one. ISP was designed as a response to conditions which were seen as endangering the continuation of a particular hunting society although many of these conditions are in some degree common and widespread. The generalisations that may be drawn from the experiment must therefore be drawn carefully, and they must be accompanied by specific descriptions of the conditions under which the experiment is being conducted.

Thus, ISP cannot be understood if separated from the historical situation of Cree hunting society or if examined in isolation from the range of programmes and benefits the Cree sought and obtained in the JBNQA in order to assure the future viability of intensive Cree hunting activities. In societies where hunting activities do not play a similar role, in which hunters do not have comparable problems, or in which income security is not to be part of a similar package of remedies, a quite different programme would probably be needed.

ISP was negotiated in 1975 as part of the comprehensive aboriginal claims negotiations between the Cree and Inuit people of Quebec and the governments of Quebec and Canada and their state corporations. It came into effect with the signing of the JBNQA in November 1975. Originally intended to be a guaranteed annual income programme, ISP is one of the first such programmes implemented in North America and the first to be established on a permanent basis. However, in the negotiation of the Program the Cree insisted that the ISP not be bound by the classical conceptions of guaranteed annual income programmes, and they developed a specific series of proposals intended to make sure that ISP responded effectively to the needs of Cree hunters. ISP therefore was designed as a distinctive and innovative programme that cannot be said to conform to the usual criteria of guaranteed annual income programmes.

A discussion of its origins, purpose, design and structure is therefore as essential to an understanding of ISP, as is a simple description of its eligibility and benefits rules. This paper, therefore, provides descriptions of both. The impacts of ISP to date and an evaluation of its success are beyond the scope of this paper, although a few indications and a set of references are appended by the way of conclusion. The paper begins by setting Cree hunting in its historical context.

### **THE PROBLEMS OF CREE HUNTING SOCIETY IN THE 1960s**

While many problems confronted the efforts of the Cree people to maintain hunting, fishing and trapping activities as a central part of their society and of their economy, these efforts had been generally successful throughout the 300-year history of involvement with agents of the world markets and the three decade history of involvement with agents of nation state administrations. There were real threats to the integrity of their hunting society, and there were real dependencies on external markets, but nevertheless their subsistence production activities remained a central part, and the most important part, of their economic activities. And, as suggested above, their hunting society is still integrated by a powerful cultural belief system, a continuing system of social and economic relationships and an effective system of ecological knowledge, all based on hunting, which have secured the society to date and which by most indications are viable for the foreseeable future. Despite the general success, however, there were new and serious challenges to the Cree in recent decades.

During the 1950s and 1960s the pace of change in regional environmental and socio-economic conditions was accelerated and Cree hunters began finding themselves in an increasingly difficult situation. One range of problems arose from the increasing physical intrusion of Euro-Canadians into Cree territory. A second range of problems focussed around the economics of hunting.

Mining centres were opened in the 1950s bringing roads and rail communication links into the southern portion of the Cree territory and opening the well-forested southern portion to commercial forestry operations. Along with the generally adverse but initially limited impacts this activity had on the wildlife and ecological systems of the territory, the new communications links made the region significantly more accessible to Euro-Canadian sportsmen. Competition for those wildlife species of interest to sport hunters and fishermen rapidly developed, and as a response to this problem the Government of Quebec implanted conservation officers, then called game wardens, in the southern portion of the territory.

The conservation officers began to impose provincial game laws, regulations and policies on the Cree hunters for the first time as part of their response to the growing wildlife conservation and management problems. These policies were based on a recognition that standard game laws could not be inflexibly applied to Indian populations, who hunted and fished for subsistence, who extensively depended on the food of the animals they harvested for nutrition, and whose whole culture and society were integrated with and by hunting activities. The Government did not, however, recognise a basic right to hunt and it viewed the special exclusions from the laws of general application as a privilege granted by government to the Crees. The Government therefore reserved entirely to itself the formulation of the extent of special privileges to be accorded indigenous peoples. Under these circumstances some of the new regulations which it imposed had the effect of limiting Cree hunting in areas most accessible to sportsmen.

The active involvement of government agencies in aspects of Cree hunting activity was not new; the governments of Quebec and Canada had given recognition to the traditional system of Cree hunting territories, now called traplines, in the 1930s and

1940s, and had instituted programmes for improving beaver populations, preventing excessive harvests, and improving the trappers' returns on the sales of fur pelts. These programmes were provided in response to the decimation of the beaver populations in the 1930s. Beaver was both an important source of meat and of fur pelts for sale. Its decimation in the Cree territory was caused primarily by pre-emptive hunting by the Cree in response to the intrusions of Euro-Canadian trappers who began intensive trapping to clean out beaver populations on parts of the Cree territory and who left the Cree with little choice other than taking the beaver before the Euro-Canadians got to them (Feit, 1978).

The Government programmes of this period were distinguished by the fact that (1) they excluded Euro-Canadian trappers and protected Cree interests; (2) the entire system was cooperative, encouraging Cree inputs; and (3) in so far as it involved Cree compliance it was self-regulated. In fact, the system had as its model the indigenous Cree system of territorial organisation and wildlife management. The involvement of the Quebec Government in the 1960s was therefore a radical break with previous practice because the existence of an aboriginal right to hunt was explicitly denied; the Government acted to protect the interests of Euro-Canadian hunters and restricted some Cree activities, and the Cree were no longer consulted in the formulation of new policy nor involved in its implementation.

The change of position by governments may be related to changes in the relationship of the Crees and the non-native population to the Government, as well as to a change in government objectives and priorities. In the 1930s and 1940s, government support to maintain Cree hunting was a way of keeping Cree demands for government welfare assistance limited. By the 1960s the Cree were receiving extensive welfare payments, for reasons I describe below, and this use was by then irreversible. On the other hand, white trappers in the 1930s were a frontier group without special linkages to or commitments from governments, whereas in the 1960s sportsmen were an urban-based population with effective pressure group organisations. Finally, in the 1960s the Government itself desired a public presence in the newly opened territory in order to promote publicity for the supposed widespread benefits of its economic development programmes in the region. Data are not available to assess the relative importance of these factors, but *prima facie* the change in government objectives would appear likely to be the most influential.

These developments, along with growing impacts of development activities on the wildlife, created new problems for Cree hunters. The announcement of the James Bay Hydro-electric scheme in 1971 foreshadowed the extension of regional infrastructures and the problems related to development throughout the Cree territory, and an intensification of the multi-faceted conflicts with Euro-Canadian society. This range of hunting problems had four foci for which the Cree sought solutions when the JBNQA was negotiated in 1974 and 1975; recognition of aboriginal hunting rights; effective involvement of the Cree in management of wildlife and the environment; regulation of the allocation of wildlife between indigenous hunters and sportsmen, including priority allocation to the former; and regulation of the environmental impacts of developmental activity.

The second range of problems the Cree encountered with increasing frequency during the 1960s and early 1970s were related to the growing difficulty of meeting the economic costs of hunting.

In the 1940s the Government of Canada had started giving welfare to Cree hunters in response to the crises in subsistence and incomes caused by the decimation of beaver populations during the preceding decade. The Government responses to the decimation were highly successful and included the provision of welfare rations, first in kind and then in money, to help the Cree hunters meet subsistence and cash needs

during the period of low beaver harvests. At first, welfare was given as a temporary measure but the introduction of universal transfer payment schemes in the late 1940s assured that at least some payments would continue on a permanent basis.

When beaver trapping recommenced in the early 1950s pelt prices were relatively high, and the combination of incomes from the sale of beaver pelts and government welfare provided an adequate income. Furthermore, the incomes were well integrated with the specific scheduling needs of hunters; the welfare ration was given out monthly in summer, when hunting is more limited, and in a lump sum in the fall; the fur income came in winter and in spring. The fall lump sum payment was needed to facilitate purchasing the goods—food, supplies and equipment—for the 6–9 months of living in isolated bush camps between September and June. These camps of from one to five families were the locations from which intensive fall, winter and spring hunting and trapping were traditionally practised. The welfare payment complemented and partially replaced the credit given by the fur trader in the fall, which was traditionally repaid when the pelts were sold in winter and spring. With fewer beaver, and with stricter debt policies imposed by the main trading firm, the Hudson's Bay Company, credit was limited and welfare rations took up the slack in the fall. By giving out a lump sum fall ration, equivalent to about three months' welfare payments, the Government kept people productive in the bush in winter and off welfare for part of the period from September to June. From a Cree perspective cash incomes appear to have been abundant during this period.

The cash available was used by many hunters to reduce some of the most onerous aspects of the heavy work load required of intensive hunters living in a highly unstable, relatively unproductive, and rigorous subarctic environment. While certain components of this work could not be reduced, given the nature of the animal distributions and abundance and given the technology available, there were some components which could be eased. Most important for present purposes were the possibilities of more extensive use of chartered bush aeroplanes as a means of improving transportation to and from those winter camp locations which were not readily accessible from the summer settlements by waterway or by newly established road network. Air transportation eliminated the need to carry families and winter supplies to bush camps by canoe. Travel by canoe usually involved paddling one or more heavily packed canoes, and then frequently portaging the supplies and canoes between water bodies. While the time saved by flying varied widely, the more isolated hunters could save 2–4 weeks' travelling time, and over 100 portages needed to reach winter camps.

Given this situation, the practice of chartering bush aircraft rapidly became commonplace, and did itself have ramifications creating other new labour-saving uses for cash incomes. Use of chartered aircraft made possible the transporting of larger quantities of supplies to the bush, including the liquid fuels needed for more extensive use of equipment such as outboard motors and snowmobiles. Thus, by the 1960s both summer and winter travel were being transformed through the introduction of new equipment into the bush. All these changes involved significant new annual cash expenditures, both as capital investments and for operations and maintenance (Feit, 1978).

The period of adequate funding therefore led to the kinds of transformation which have been found widespread in subsistence economies, the use of available cash to improve labour efficiency, possibly to improve productivity, and to improve security and comfort through a limited use of productive and consumer goods. But these desired improvements brought with them an increased, but possibly not yet apparent, dependency, not only on the world market (the Cree had been selling furs for 300 years) but also on the governmental welfare system. This dependency existed despite



the fact that the Cree themselves often perceived the welfare payments as compensation for past profits by whites at Cree expense, and therefore as 'due', and despite the fact that the actual levels of cash incomes being received were modest by the standards of an affluent nation state.

During the middle and later 1960s the consequences of these increased and new dependencies became apparent as conditions changed. First, the credit system was curtailed by the Hudson's Bay Company. The growing Cree demands for consumer goods made it more profitable for the Hudson's Bay Company to shift its emphasis in much of the region from running fur-trading posts to becoming general merchants. This, plus the growing Euro-Canadian presence, which brought in a competition among merchants, made them less willing and able to issue large credit amounts in many communities. Second, the managers of the stores were replaced along with this change and few experienced fur buyers remained, so the prices paid for fur pelts declined.

The Cree, in general, attempted to use the growing opportunities for summer employment to increase their incomes and to offset these other restrictions on access to cash because summer wage labour could be integrated with the maintenance of winter hunting and trapping. Summer employment, however, also increased expenses because less fishing was done and more foods were purchased to meet family needs during the summer itself. To meet their winter needs, many Cree would therefore work later into the fall, when possible almost until the freeze-up, and then fly to the bush. And they would come out of the bush earlier in the spring as well (Feit, 1978).

These changes led the Government of Canada's representatives in the southern part of the region to decide the Cree were on the way to abandoning hunting and becoming wage labourers. As a result, they started cutting off lump-sum payments to hunters in the fall, and offered a standard monthly welfare cheque while introducing various make-work programs to reduce the apparent unemployment.

This change of policy deprived many hunters in some communities of the cash to charter aircraft in the fall, and it encouraged people to stay near the towns to pick up their monthly cheques. The final result was that many hunters were forced to abandon intensive hunting from isolated bush camps within a few year period, although the numbers did increase somewhat after a Cree-initiated reorganisation.

These problems were accompanied by other changes related to the costs of hunting. The lack of fur trade posts in some areas meant that the specialised goods needed for trapping were often unavailable. Similarly, changes in the demand for air services often meant planes were not available when needed. And the increased services available in the settlements increased demands for improved services in the bush camps; but these had to be entirely funded by the individual hunters, as opposed to having government assistance, under existing government policies.

Thus, the Cree were trying to maintain a subsistence economy in the midst of an increasing interaction and dependence on government programmes, on cash, and on goods, services and employment in the regional market economy. The results were mixed, and a significant number of people were being driven out of subsistence production in the process.

Nevertheless, in some communities at least overall subsistence production did not decline, as those remaining in hunting produced more. Thus, in the late 1960s and early 1970s it was estimated that families, when living in the bush, were providing 90% of the food potentially available to them, and a clear surplus over their immediate needs. For the communities as a whole it is estimated that between 40% and 60% of annual caloric nutritional requirements were being produced from subsistence activities, and a much higher proportion of protein and most other nutritional needs (Feit, 1978). Their success was partly due to the hunters using new technology and altered hunting

patterns and partly due to local Cree welfare administrators reinstating some lump-sum payments, contrary to the rules. The lesson of economic dependency and of the need to have greater economic autonomy was, however, made clear by these events, and it is a general lesson.

To summarise then, there were two groups of problems: those directly related to the intrusion of Euro-Canadians into the region and focusing on hunting rights, regulation of sport hunting, management of wildlife, and the regulation of the impacts of development; and those that were more directly economic, involving assurance that there would be adequate cash flows at the critical times of the year, and provision of necessary goods and services for efficient use of those cash incomes. These common problems called for new means of solving the hunters' problems that would not enhance the process of growing dependency on external conditions, resources and people.

#### **THE RELATIONSHIP OF ISP TO THE JAMES BAY AND NORTHERN QUEBEC AGREEMENT AND ITS RELATED PROVISIONS**

The negotiation of a comprehensive aboriginal and land claims settlement during 1974 and 1975 provided the Cree people with the first opportunity to deal with these problems in a relatively extensive and co-ordinated fashion. It was one of their assumptions during the negotiation of the agreement that hunting was a central force of Cree life and society and that in the future they desired to build a society based on a balance among the population of participation in subsistence activities and in economic enterprises and employment. To achieve this goal the two sets of problems which confronted those Cree who engaged primarily in the subsistence sector had to be resolved.

The first set of problems of the hunters was addressed in the hunting, fishing and trapping regime, and the environmental and social protection regime of the JBNQA. Very generally, they provide for: a recognition of a Cree right to hunt, fish and trap at all times of the year over all Cree territory, called a right to harvest, subject to a principle of conservation, and certain other limited restrictions; a clear and binding principle of the priority of indigenous harvesting over sport hunting and fishing, and operational procedures for implementing such a principle; certain binding principles for regulating the government's exercise of wildlife management authority in favour of protecting indigenous peoples, communities, economies and activities, and an obligatory consultative participation of the indigenous peoples in that management; and, a similar set of binding principles and obligatory consultation and participation for protecting and limiting the effects of development activity on the indigenous people and the environment. I have reviewed these measures in another paper (Feit, 1979), and only note their existence here and their importance below.

The economic problems of hunting were addressed in the JBNQA sections dealing with ISP, a Cree Trappers Association (CTA), and the provision of a corporation to undertake remedial works relevant to the impacts of the first stage of the hydro-electric development (SOTRAC). ISP is the key provision here, intended to provide sufficiently generous cash payments to Cree hunters to effectively reduce their dependence on fur prices in the world economy, and on government controlled transfer payments programs. The explicitly stated objective of ISP is (JBNQA, section 30.1.8):

The program shall ensure that hunting, fishing and trapping shall constitute a viable way of life for the Cree people, and that individual Crees who elect to pursue such a way of life shall be guaranteed a measure of economic security consistent with provisions prevailing from time to time.

ISP could only be used to accomplish this objective, however, because it was integrated into the JBNQA, which contained the other provisions briefly cited 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; it depended on a continued priority access to wildlife resources and on limiting the impacts of sports hunters and fishermen; it depended on full participation in wildlife management; and it depended on regulation of the impacts of future development. ISP payments themselves, however, could contribute to such regulation of impacts, by providing the funds for Cree hunters to increase access to other unaffected resources by means of additional travel or equipment.

The general effectiveness of ISP payments also depends on there being available the goods, services and infrastructures necessary to make effective use of the funds available to hunters. This is the role of SOTRAC and the CTA within the framework of the agreement. These organisations, individually and jointly, can provide infrastructures (including access routes, improved bush camps, and bush communications systems); and needed goods and services (including fur sales cooperatives, bulk purchasing and distribution facilities, bush pick-up and delivery facilities, aeroplane dispatching services, and wildlife and harvest monitoring services). SOTRAC is funded by the hydro-electric development corporation, the CTA will be funded by joint contributions from the governments of Quebec and Canada and from the Cree themselves.

Without these other provisions of the JBNQA, ISP could not contribute effectively to reduce the dependency of the Cree hunters on world economic conditions and government welfare policies. Even with these other provisions it clearly can only reduce and not eliminate such dependencies.

The ISP is also an integral part of the JBNQA in the sense that its incorporation into the framework of that claims settlement made it possible for ISP to be structured in such a way that it could limit some of the dependencies inherent in usual transfer payment programmes. The costs of ISP, both Program benefits costs and administrative costs, were to be paid for by Quebec under the terms of the agreement. In this sense ISP is another transfer payment programme, and it ran the risk of creating dependencies of the kind experienced by the Cree under the previous welfare programmes, that is, dependency on funds controlled by changing government policies and politics.

When the Cree negotiated ISP as part of the JBNQA they attempted to use the negotiations and the agreement itself to limit these kinds of dependency. First, ISP exists both through the Agreement and through Quebec law which is to give legislative force to the terms of the Agreement. The legislation is subject to parliamentary politics and discretion. But because this legislation does not replace the agreement, and because the agreement states the legislation must reflect the provisions of the JBNQA, and because the agreement is a legally binding contract between the Cree and the governments, any change in the Program must involve changes in the Agreement, and this can only be done with Cree consent. A recourse for breach of this contract would lie with the courts. This was intended to assure, in effect, that ISP is not treated as a standard government programme, which would be unilaterally changed by the government. It is intended to insure, with certain specific exceptions<sup>2</sup>, that changes to ISP require the approval and consent of the Cree.

This is especially important because recent studies of welfare systems have shown that programme and policy changes tend to be systematically related over decades to the need to support unemployable labour during recessions, and to bring labour back into the market during boom cycles (Cloward Piven, 1971; Gough, 1981). A

programme designed to support subsistence producers working largely outside the market must, of course, be isolated from such state control.

Second, unlike most welfare recipients the beneficiaries of ISP have the right to benefit from ISP, so long as they meet the fixed criteria for eligibility in the Program, and based on fixed criteria for calculating the size of benefits to be paid. And they can appeal or take legal action if those rights are violated.

Third, ISP is not administered by the government that funds it but by a separate corporate entity, the Cree Income Security Board, comprising equal numbers of Quebec and Cree appointees, with a rotating chairmanship: The board hires and employs its own staff, although those hired may be civil servants if the board so decides. The obligation of Quebec is to transfer the funds needed each year to the accounts of the ISP Board. In practice, the board members and the staff are either closely associated with the CRA or with the Quebec government, and the balance is and has been maintained. The board is therefore not bound by the full range of government administrative norms and it is given considerable authority to implement, and where necessary interpret and review, the Program and its operations, consistent with the legislation and the agreement.

Fourth, the board operates out of a regional office, but it must also maintain staff and offices in each Cree community to assure access of the beneficiaries to the administrators of the Program.

In summary, the incorporation of the negotiations over ISP within the framework of the comprehensive aboriginal and land claims negotiations permitted ISP to be integrated into packages of regimes, programmes, organisational structures and benefits thought to be necessary to assure the viability of hunting as a way of life. It also made it possible to establish a programme that, although funded by government, was significantly independent of government policy and politics; is jointly controlled and administered by the Government and the representatives of the beneficiary population; and that legally encodes the specific rights of the individual beneficiaries.

Thus, the unique features essential for the ISP to increase the economic and political autonomy of Cree hunters depend, in part, on a closely integrated package of rights, policies, programmes, institutions and benefits, and also on the relative autonomy of the program itself from government control. These features may well be essential wherever such a program is established with the intention of assisting a hunting population to limit its dependency.

#### **THE STRUCTURE OF ISP: ELIGIBILITY CRITERIA AND THE CALCULATION OF BENEFITS**

While specialised income security programmes are probably among the most desirable and advantageous forms of transfer payments to individuals, and while many indigenous peoples may wish to seek to establish such programmes of various forms, the eligibility criteria and benefits formula of the Income Security Program for Cree Hunters, Trappers and Fishermen were designed for the specific circumstances of the Cree and probably are not a model easily transferable to situations where similar conditions do not exist. Indeed, any such programme must be designed for specific populations and conditions if it is to be effective.

As has already been indicated, ISP was designed for a society in which a significant proportion of the adult population had maintained continuous and viable hunting activities, which were at the core of the social fabric of the communities. Furthermore, hunting was still at the core of religious knowledge and experience. It was in this context that the desire of a large sector of the Cree adult population to maintain hunting as a way of life, and to have some of their children follow in their footsteps,



must be understood. There was an ongoing tradition and practice into which new participants could be integrated. This consideration significantly affected the detailed structure of ISP.

A key part of this tradition was a system of management of the social relations of hunting and of conservation of key game animal populations. The entire Cree territory was divided up into hunting territories to which various community members had specific usufructory rights and privileges. These rights, in effect, provided that intensive hunting on any piece of land was to be done under the stewardship of an individual 'owner' responsible for the long-term protection and management of the most intensively used wildlife, and also responsible for distributing social access to such resources so as to serve broad community needs.

Thus, in the case of the Cree, at least five conditions were present which were essential to the form ISP took during negotiations: the social fabric and contemporary practice of hunting was intact and did not have to be rebuilt; these traditions included means for the general management and conservation of wildlife; hunting involved extensive absences from settlements; the sector of the population which hunted intensively organised its annual cycle and other activities such as employment around hunting; and the people who hunted intensively required modest but not insubstantial cash incomes. The significance of these conditions will be readily apparent from a description of the conditions for eligibility and the formula for calculation of benefits.

Eligibility to the ISP is based on a beneficiary unit, defined as being either an adult individual or a family of one adult with consort and/or one or more dependents. Consorts and dependents are defined according to Cree traditions. The age of adulthood is 18 years but there is no age limit, retirement being self-defined. The beneficiary unit so defined coincides with the only social grouping in contemporary Cree society which generally stays together throughout the year and over the course of years. It is also the social unit which extensively shares all goods, including cash, purchased items, and subsistence produce. While sharing and coordination are also extensive in larger social units, the actual on the ground composition of larger units typically varies significantly from season to season and year to year. The small scale of this social unit reflects both a traditional emphasis on adult autonomy in Cree culture and long-term pressures toward individualisation in the interaction with a capitalist economy and state.

In the 1960s a new social pattern of splitting families in winter began to develop in a few settlements. Some adult men would join others to form all-male bush camps, leaving their wives and children behind in the settlement. This pattern developed as a response, however inadequate, to the shortage of funds to pursue hunting. When ISP was being designed, it was not only adapted to the then existing social units, the Cree also decided that it should provide incentives that would directly counteract the new trend toward splitting families. The eligibility and the payments structures were therefore designed to reflect these social objectives, as I indicate below.

There are two general criteria, and five exceptional and time-limited criteria, for determining the eligibility of potential beneficiary units to the ISP. The first general criteria is based on the amount of time devoted to harvesting and related activities. Single individuals and families, the heads of which spend *more* days in a given *year*, in harvesting and related activities than they spend in salaried or wage employment, *and* who spend at least 120 days in the former activities, *of which* at least 90 are spent away from the settlement, are eligible to be ISP beneficiaries for the *next* year. Harvesting activities are defined as all activities involved in the exercise of hunting, fishing and trapping rights established by the JBNQA and over all traditional hunting, fishing, trapping and gathering activities. Related activities are defined as women's and men's activities associated with the former, including travel, travel preparations, camp and

household maintenance, food preparation, equipment construction and repair, pelt preparation, the making of handicrafts, etc. In the calculation of eligibility, days spent guiding, outfitting, or commercial fishing, and days spent in receipt of unemployment insurance, workmen's compensation for injuries, and of manpower training allowances are not counted as either harvesting and related activities, or as salaried or wage employment. Almost all beneficiaries establish their regular eligibility under this criterion.

A second general criterion provides eligibility for those who derive the greater part of earnings from harvesting and related activities. Under the present economic conditions, the latter group is effectively a subset of those meeting the first criterion.

Five exceptional criteria provide continued eligibility for up to two future years for individuals, or heads of families and their families, who are already on the Program but who due to specified special circumstances fail to meet either of the regular criteria for eligibility for a coming year. The failure may be due to injuries resulting from accidents during either harvesting or related activities, or seasonal employment or due to other illness-induced disabilities; a voluntary decrease in harvesting activities in order to permit animal populations to increase to a harvestable level, i.e., wildlife conservation practices; involvement in a manpower, upgrading, training, or other self-improvement programme; or temporary employment on a community improvement programme or project. It should be noted that these exceptional provisions provide for continued eligibility to ISP, but they do not change the basis for calculating the actual benefits to be paid to the beneficiaries to be described below. It was assumed that while beneficiaries would receive less ISP benefits under these exceptional circumstances they would be in receipt of other sources of income during the period. The key here was to prevent them from losing eligibility, for reasons which I elaborate below.

ISP eligibility is established by the actual hunting and related activities of the potential beneficiaries and not simply by an intention. As a result, eligibility for one year is determined by activities in the previous year. The actual time that must be spent hunting is not unreasonable, given the diverse Cree hunting practices, but the fact that performance must be demonstrated to gain admission, is strict. It is a provision that made sense given the on-going nature of Cree participation in hunting, and given an exception that was made for the first year of ISP operation, see below. It would not make sense as an eligibility criterion for a population trying to re-establish hunting activities.

The exception in the Cree case applied only to the first year, because it was recognised that many Cree people had abandoned intensive hunting in the 1960s and early 1970s as a result of the conditions described previously, and there was therefore a need for special admissibility criteria to start up full participation in the first year. Potential beneficiaries were therefore given eligibility for the first year of ISP if their local band council declared that they practised harvesting as a way of life, or if they declared an intention to do so during the first year of the Program. After the initial enrolment, these criteria no longer applied.

One consequence of the regular criteria for enrolment is that for a new or former beneficiary to join ISP they must practise harvesting or related activities for one year previous to becoming beneficiaries. Many young people hunt with their parents, and are eligible on turning 18 to become separate beneficiaries. This provision, therefore, mainly restricts those adults who want to try intensive hunting, or who want to hunt in intermittent years when not employed. The former must try hunting without ISP assistance for one year. The Program intentionally discouraged intermittent use because it was designed for those who practice harvesting as a continuing way of life. This provision follows from the objectives of and justification for the Program cited above. If this justification had not been followed consistently in the negotiations. It is likely

that the Program would not have been acceptable to governments, or that the benefits paid would have been lower than those agreed upon.

Nevertheless, this provision does create a problem, because during the first year of hunting, or renewed hunting, a man encounters especially high costs for new or replacement equipment and supplies. It is precisely this first year in which ISP benefits are not paid, while eligibility is being established, except in the case of beneficiaries who have just turned 18 and who were in the bush the previous year.

One final point with respect to eligibility is that the potential beneficiary reports the time he or she spends in harvesting and related activities each year in an interview with his or her local ISP administrator, and keeps his or her own records and may report them verbally, by means of a diary, or by such other means as he or she finds suitable.

The ISP has the legal power to get information from other government agencies, employers, etc. However, it was believed, and it has been demonstrated, the self-reporting generally works in this case. There are some difficulties with accuracy of recall of some income figures, and rare breakdowns of an intentional nature do occur, but these clearly do not warrant the substantial administrative, financial and social burdens that alternatives to depending on beneficiary reporting would require.

The determination of the benefits payable to an eligible beneficiary is based on two calculations. The first is a *per diem* payment made to an individual or a head of family and to the consort of family head, for every day the greater part of the daylight hours of which is spent outside a permanent settlement in the pursuit of harvesting or related activities. The payment is made for single days spent outside the settlement even though the beneficiary returns in the evening, and it is made for each and every day during stays in isolated bush camps.

The actual amounts paid each year are indexed to the cost of living, and in 1978-79 they amounted to \$15.96 Canadian per adult individual, or per head and per consort. The minimum number of days that can be paid to an individual or head of family is, in effect, 90 and the Program establishes a limit of 240 paid days per recipient. An individual beneficiary would therefore receive between \$1436.40 and \$3830.40 Canadian, in *per diem* payments, and a family in which the consort accompanied the head would receive between \$2872.80 and \$7660.80. In fact the average number of days payable per beneficiary was 181 during 1978-79, so an average individual beneficiary received \$2889, and the average family \$5778, in *per diem* payments. The average *per diem* payment per beneficiary unit (including individuals and families) was \$4709.

It is worth noting that the average of 181 days is a measure of the commitment of beneficiaries to harvesting. On average, six months of the year were spent outside the settlements in harvesting activities. The provision for a calculation of benefits based on the activities of the consort, as well as those of the head, was designed to encourage consorts to participate in harvesting activities with the head of the family, as indicated above.

The *per diem* payments are the largest portion of the total payments made under ISP, accounting for over 75% of all payouts. This makes it clear why ISP is not a classical guaranteed income scheme, its main payment is based on performance and not simply on income and family size. In some ways it may be better described as a cash support for performance of subsistence activities. Such support is needed because the activities are highly productive in terms of production of food, housing, clothing, equipment, medicines, heating, etc., but they do not produce sufficient income in the form of cash to permit full participation by those who want and who can be fully employed in such activities.

The Program is often justified by government literature because it has reduced

welfare payments, and at the same time increased productive employment. It should be noted though that the employment it creates is effectively outside the labour market.

The second calculation of ISP benefits more closely approximates a guaranteed income programme. A basic amount is calculated from which 40% of incomes are deducted, and the balance, if any, is paid to the beneficiary in addition to the *per diem* amount. The basic amount is based on the size of the family. It was during 1978-79 the total of: \$1351 Canadian each for an adult, a head or a consort; \$540 for each child (dependent) in a family; plus \$540 for each family. From these amounts 40% of all income is deducted, except certain universal transfer payments; and except the first approximately \$320 of fur sales income for each adult. Included in the income, and counting towards the 40% reduction of the basic amount, is the *per diem* payment.

The guaranteed minimum amounts were intended to make substantial increases to the *per diem* payments received by the numerous large families (approximately 10% of biparental beneficiary families have seven or more children) and to small families and individuals who spend near the minimum amounts of time in the bush, and who therefore have relatively low *per diem* payments. The guaranteed amounts therefore supplement the payments to families with high expenses and they provide a supplement to those individuals and young, small families who may have recently entered the Program by just meeting the minimum time criteria. For these new beneficiaries it was to provide a bridge from welfare to Program benefits, on the assumption that once on the Program they would have an incentive to increase participation in harvesting, and therefore their *per diem* payments.

Once on the Program the structure of the *per diem* benefits encourages beneficiaries to increase the number of days they spend in harvesting and related activities. This again emphasises the relationship of Program structure to an assumed intensive involvement in harvesting. It should be noted that payments are not directly linked to actual kills of animals, but to the pursuit of the whole range of bush activities. The Program does not therefore directly require or encourage increases in wildlife harvests, although it does encourage more time be spent in the bush. The Cree system of wildlife management was taken into account in programme design in the expectation that increased time would not be directly linked to increased harvests; that is, that regulation by the socially recognised hunting leaders would occur. The available data on yearly harvests confirm this expectation despite the fact that a year of adjustment was required, as indicated by a significant increase in harvests during 1976-77, when the Program first came into operation.

ISP payments are made four times a year on or about 1 September, 2 January, 1 April, and after the end of the Program year in July. There is provision that beneficiaries planning to spend all winter in the bush may receive half the annual payment in September and no January payment.

ISP benefits are based on beneficiaries' estimates of their activities during the coming year. It was deemed essential that while eligibility was based on past performance, payments should not be based on activities of the previous year but on current year activities, so they could respond to current needs. This requires that anticipated activities be reported in July each year and that actual performance be monitored and benefits calculations updated during the year, when possible, to try to avoid overpayments. Overpayments in the first or second quarterly cheques result in reductions in subsequent payments in the current or the next year. While this system still seems the best available, it has been found in practice that overpayments and subsequent reductions are relatively frequent, given the contingencies of hunting patterns, and reduction of subsequent payments often causes further disruptions to hunters' plans.



The average total benefits paid during 1978-79 amounted to \$5763 per beneficiary unit. With 901 beneficiary units, this amounted to a total cost of \$5 250 000. It is difficult to compare this with welfare payments, but welfare would maximally amount to 60% of what beneficiaries receive from ISP for one year. However, because of the time spent in the bush few hunting beneficiaries get welfare all year, so ISP is probably two to three times what beneficiaries would get from welfare if they maintained their present harvesting patterns.

Beneficiaries cannot combine benefits from welfare programmes and ISP, but they can receive certain other transfer payment programme benefits of general application. In addition, the beneficiaries retain other earned income.

It was estimated that beneficiary units had total cash incomes of \$7680 in 1978-79. To evaluate the standard of living this would provide, the value of domestic production in kind would have to be added, especially food but also housing, equipment, clothing, medicine and heating. While no detailed evaluation of those items has been made, a rough estimate of their 1976-77 value totalled some \$6110 (GCCQ, 1977). Against the total income in cash plus kind, however, one must deduct the costs of producing that income, especially the costs of hunting. These have been similarly estimated for the pre-1975 period of \$3700 per adult hunter per year, leaving a net income equivalent of \$10 090. However, the mean number of days spent in hunting and related activities has increased since 1975, as has the cost of intensity of equipment and transportation used, partly as a result of the introduction of ISP, see below. Furthermore, it is not clear how this standard of living valuation in dollars and cents is related to the Crees' own standard of evaluation. These figures should therefore be used with care.

In relation to the costs of hunting (c. \$3700 plus), ISP payment levels do not appear to be excessive to the Cree (c. \$5700), especially when it is recalled that welfare is no longer received. Most beneficiaries now feel that a further substantial increase in the level of benefits would be warranted and would improve hunting related goods, services and security. It is also clear from Cree statements and from the data available that some erosion of the benefits levels is taking place with time. The Program itself has led to substantial increases in the use of motorised and commercial transportation, the costs of which are tied to oil prices and which have consequently risen quicker than the general cost of living. It is on the basis of the latter that annual Program increments have been calculated to date. The JBNQA provides for the establishment of a local cost of living index, taking account of actual expenditure patterns, which would better reflect real cost increases to hunters. Such an index will need to be initiated in coming years. Overall, the Program appears also to have led to an increase in the levels of need and expectation. Substantial increments to its benefits structure would therefore appear to be appropriate now, although care will need to be taken if an ever-accelerating consumerism that could not be permanently maintained is to be avoided.

#### **THE INITIAL IMPACTS OF THE OPERATION OF ISP**

Participation in ISP has been high from its first year, declining only about 13% to the second year, and remaining relatively stable in its two succeeding years. In 1978-79 there were 901 beneficiary units, comprising 1478 adults and 2086 children. This represents 51% of the total registered population of the eight Cree bands. The intensity of participation varies between villages, from 34% to 70% of the population of each village. The proportion of potential beneficiary units is considerably lower, however—approximately 35%. This reflects the fact that a higher proportion of the larger families are represented in the ISP beneficiary population than of smaller, and generally younger families and individuals.

The initial impacts of ISP can best be seen in the original enrolment statistics. The

first year of full operation, 1976-77, began with 1021 beneficiary units. Of these, 717 were enrolled because they were considered to be people presently practising harvesting as a way of life. The remaining 304 beneficiary units were admitted to the Program because they declared an intention to practise harvesting as a way of life. Thus, 30% of the initial beneficiary units decided to try intensive hunting because of the initiation of ISP. The considerable majority of these beneficiaries were people who had experience as intensive hunters in the past but who were not practising harvesting as a way of life in the years immediately prior to 1975. Following the first year, most of these have stayed in the Program. About 75 units from the 304 units admitted on the basis of an intention to practise intensive harvesting dropped out, and the remainder retained eligibility under the regular criteria, to participate in ISP the next year. Some of those registering in the first year were people without intensive hunting experience, and it appears this group was most heavily represented among the drop-outs.

These data suggest that there was a significant sector of the Cree population that wished to pursue intensive harvesting and who were not able to do so without the economic resources provided by ISP. For these people, ISP has re-opened the choice of and commitment to hunting.

ISP also was effective in encouraging hunters to spend additional time in their harvesting and related activities outside the communities. During 1976-77, the heads of beneficiary units averaged 214 days in harvesting and related activities in the bush. This can be compared to the estimates of hunters' times in the bush made by the band councils of the Cree communities in the last weeks of the negotiation of the JBNQA, which indicated an average of 170 days per head of potential beneficiary units for 1974-75. This represents a 26% increase of time in the bush.

The immediate impact commencement of actual ISP payments had on beneficiaries is reflected in the time spent hunting during the first two years of operation of the Program. ISP legally commenced on 11 November 1975, with the signing of the JBNQA, but 10 months of intensive preparations preceded the first payment to beneficiaries at the beginning of the intensive hunting period in September 1976. The Program was therefore legally in operation for nearly eight months during 1975-76, from 11 November until the end of ISP's fiscal year, 30 June. During that period, while it is likely that ISP payments were anxiously awaited, the Program itself had little impact on beneficiaries' behaviour, because the payments for the period were only made retroactively in September 1976, when the first payment for 1976-77 was also made.

The time spent by beneficiaries in the bush during these nearly eight months of 1975-76 can therefore be compared to the time spent in the bush during the same eight months of 1976-77, after the commencement of ISP payments. ISP Board data indicate an average of 124 days were spent in the bush in harvesting and related activities during this period in 1975-76, and 154 days during the same period in 1976-77, an increase of 24%.

The number of days spent in the bush in harvesting and related activities therefore increased significantly upon commencement of operation of the Program, and data for 1977-78 and 1978-79 indicate that this increased intensity of involvement has been maintained in succeeding years (Scott & Feit, in press). Finally, it is interesting to note that data gathered on the time spent in various seasonal hunting, fishing and trapping activities indicate that the largest increase occurred in winter trapping activities, the physically hardest of the seasonal activities, and the one which was most subject to limitation due to inadequate economic resources (James Bay and Northern Quebec Native Harvesting Research Committee, 1979).

Data for the broader range of social impacts of ISP are at present being prepared for publication by Colin Scott and the author (in press), and are not to be reviewed

here. Another study of the administrative aspects of the operation of ISP has been prepared by Ignatius LaRusic (1979), and it is now being updated. These studies will provide the detailed data for a comprehensive analysis of impacts. A key question for analysis will clearly be the longer term recruitment patterns.

What is clear now is that ISP has been well received by Cree hunters, presumably because the intensive Cree participation in its conception, design, negotiation and implementation assured it was well adapted to the specific conditions encountered by Cree hunters, the specific aspirations they had, and the specific problems they faced. It appears to now be accepted as a key component of the JBNQA and of hunters' planning, although certain complaints are also made about the Program structure and operation.

The economic stability and assurance of future incomes ISP provides appears to be having an impact on Cree hunters' commitments. There are some indications that the stabilisation of economic conditions by ISP after the unpredictable economic conditions for hunting during the previous two decades has led some hunters to consider hunting as a way of life as a more viable option and to offer greater encouragement to their children to stay in the bush and learn the hunting ways. The transition that has occurred may be subtly reflected in a series of rumours, which were common during the initial year or two of ISP operation, to the effect that the JBNQA really established the ISP only for a short term, two years, or five years, or 10 years. One man is reported to have refused to apply for eligibility the first year because he did not believe the Program would actually come into operation. The assumptions behind these rumours and anticipations were, of course, well-founded on previous experience. However, it may be significant that such rumours are given less credence today and that the number of children being taken to the bush appears to have increased.

While it is clear that some adjustments and improvements now can and should be made to the Program, the increases in the number of people hunting and in the time spent hunting, as well as the readily apparent improvement in the standard of living of the hunters, are clear testimony to the positive initial impacts of ISP. These factors indicate a generally positive long-term direction for the Program and the hunters.

Given the level of self-reliance and control of one's own activities inherent in the pursuit of intensive hunting from bush camps, ISP has by inference already resulted in an increased level of autonomy for beneficiaries, and for the community as a whole, and with adjustments, it appears likely to continue the trend in the future.

#### NOTES

1. This paper is part of an ongoing analysis of the sociopolitical implications of the James Bay and Northern Quebec Agreement, funded in part by a Killam Post-Doctoral Research Scholarship from the Canada Council. Some of the data have been extracted from a report of research which is presently in press and which was funded by the Quebec, Ministère des Affaires Sociales, Comité de la Recherche Socio-Economique.

2. The major exception was the inclusion of a means of establishing an upper limit on the cost of the Program to Quebec. The Government insisted on this protection during the negotiations because the innovative nature of the Program made predictions of actual costs very difficult, prior to commencement of the Program. The limit was to first apply after a several year 'shakedown' period, and Quebec retained certain authority to impose changes on the ISP administration to assure the limit was not exceeded. In the event, ISP costs did exceed the limit during the initial years, and Quebec and the Cree negotiated a revised limit, based on the success of the Program in meeting its stated objectives.

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# ABORIGINES, LAND AND LAND RIGHTS

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and Marcia Langton*



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