



**Experiences of the Nunavik Inuit  
with Wildlife Management and the  
James Bay and Northern Québec Agreement (1975-1995)**

a background paper prepared for:

the Lands, Resources and Environment Regimes Project  
Royal Commission on Aboriginal Peoples

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## Executive Summary

The James Bay and Northern Québec Agreement, signed on November 11, 1975 by the Inuit of northern Québec, the James Bay Cree, the governments of Québec and Canada, the James Bay Development Corporation, the James Bay Energy Corporation and Hydro-Québec has come to be regarded as the first modern-day comprehensive aboriginal land claims agreement. While it was essentially an out-of-court settlement designed to resolve conflicts arising from the construction of the James Bay Hydro-electric Development Project, it became a model for future federal land claims policy and consequently future agreements.

The desire of the Inuit and Cree to protect their livelihoods, cultures and economies was at the core of the dispute. The Hunting, Fishing and Trapping Regime was seen, at the time, by the Inuit and Cree as the cornerstone of the Agreement. The Hunting, Fishing and Trapping Regime, however, has left a legacy of frustration and incompetence for all participants. After 20 years, at enormous expense both financially and in human resources, the Inuit clearly recognize the inadequacies of the Regime and have chosen to use other means to develop and resolve resource management issues.

Other aboriginal groups continue to seek a new measure of control over their lands and resources. Many of the structures and features of the James Bay Agreement have become commonplace and accepted within later claims and development agreements. These include land selection or categorization, advisory or co-management committee structures and complex bureaucratic and administrative arrangements resulting in the need for large, professional staffs.

The limitations of these structures and processes as experienced by the Inuit of Nunavik (northern Quebec) are the subject of this case study with a view to providing, in conjunction with other contributors to the Lands, Resources and Environment Regimes Project, some insights and directions for improvement.

## **1. Introduction**

The Royal Commission on Aboriginal Peoples is addressing some very important issues surrounding the intent and nature of land claims agreements in general, and the Land, Resources and Environment Regimes Project is addressing wildlife management and harvesting regimes in particular. The purpose of the case study is not simply to reflect on some of these issues as they apply to the Hunting, Fishing and Trapping Regime of the James Bay and Northern Québec Agreement, but to review the Regime from the perspective of its success in delivering on the expectations of the Inuit during and after the negotiations. It will also review the efforts made by the Inuit over the years to support or modify the Regime in an attempt to initiate improvements. This review will permit some conclusions to be made which, when discussed in relation to the experiences of other aboriginal groups in Canada, will hopefully contribute to a practical and realistic evaluation and critique of the land claims process in Canada.

The approach taken in this case study is very personal. The text relies on my experience with the final stages of the negotiations and 20 years of work with the Northern Québec Inuit Association and later the Makivik Corporation on implementation of the Hunting, Fishing and Trapping Regime and related areas or topics. If the ultimate objective of aboriginal peoples is to seek a new measure of control over their lands and resources, then they have to look very closely at the structures and features of modern-day agreements which have become very commonplace and accepted. I have not approached this task as an independent piece of research or literature review, but more as a personal reflection on that experience. I have chosen to use a very direct writing style. The views, therefore, expressed in the document are mine and do not necessarily reflect those of either individual Inuit or their organizations. Soliciting and commenting on the views of individuals, whether Inuit or associated with government, would have required directed research and was beyond the scope of this piece of work, and speculating on their views would be inappropriate.

It is likely that this exercise will result in many overlaps with other contributions to the Lands, Resources and Environment Regimes Project. This is not surprising. While very little has been written about the implementation process, especially from the perspective of aboriginal organizations or individuals, much discussion has taken place

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over the last 15-20 years among a relatively small group of aboriginal and non-aboriginal individuals involved, in one way or another, in the claims negotiations and implementation process. Much has been learned through these usually informal discussions. It seems to me, therefore, that if hypothesis and practical experience bear some of the same results, then these results are likely well grounded and should be seriously considered. In this type of exercise, redundancy can be very revealing.

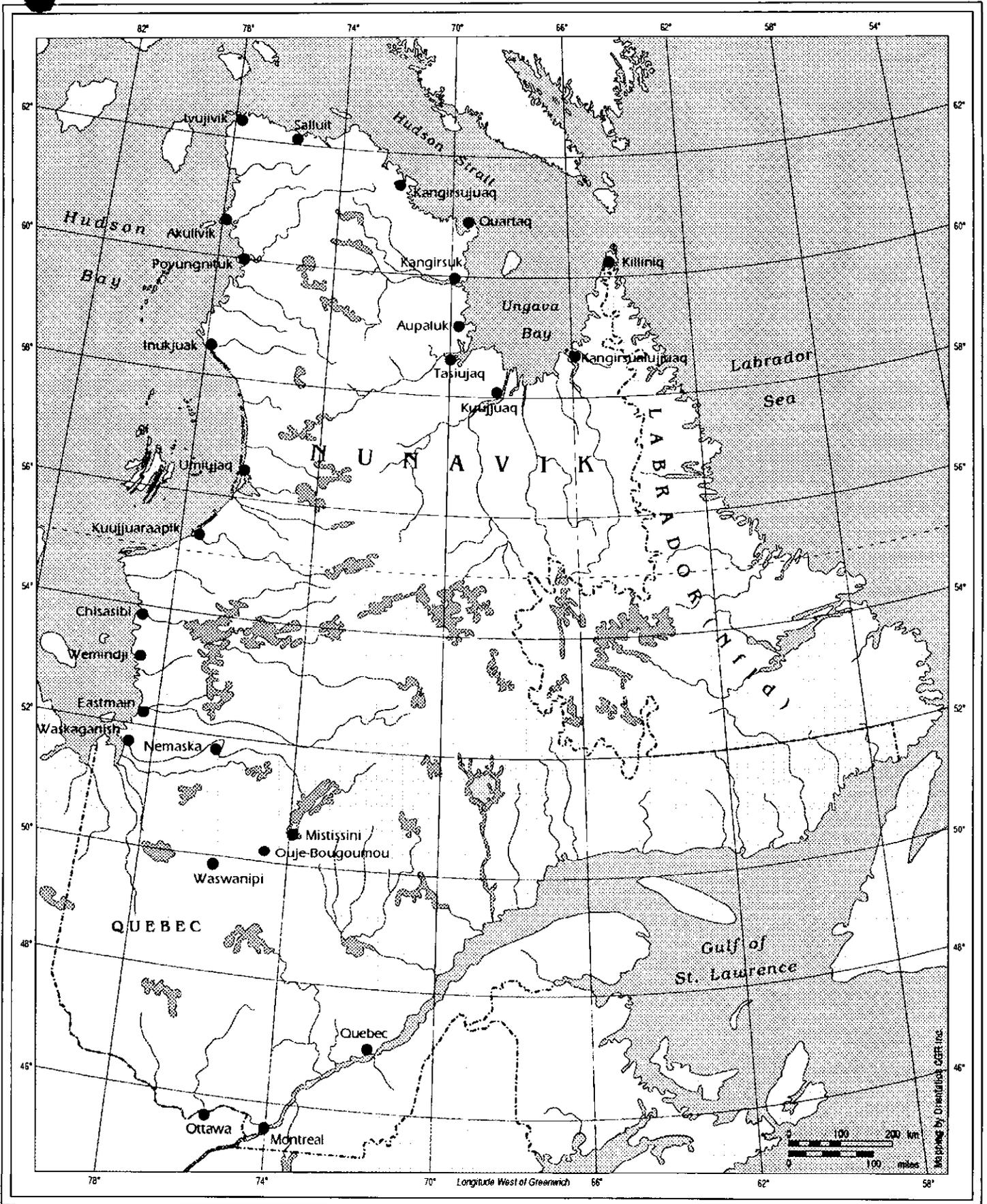
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## 2. Background

The Inuit of northern Québec (now known as Nunavik) entered into a land claims negotiations, alongside the Cree in 1973. At that time, the Inuit population was approximately 4,500 residing in 14 communities. When the James Bay hydroelectric project was announced in 1971, the Inuit had just organized themselves politically into a fledgling organization, the Northern Québec Inuit Association (NQIA) led by Charlie Watt. It was the NQIA that represented the Inuit during the ensuing litigation and later the negotiations.

The Inuit were not as obviously menaced by the James Bay Project as were the Cree. With the exception of the Caniapiscou diversion, which would redirect waters eventually destined for the Koksoak River and Ungava Bay, the Project had no direct physical impact. The Inuit were concerned, however, with longer range and longer term impacts on wildlife resources, particularly migratory resources. They also saw the opportunity to make their presence known to Québec and Canada and to improve their access to the political, legal and financial resources necessary to improve their situation vis à vis government. They, therefore, became full partners to the negotiations and are signatories to the James Bay and Northern Québec Agreement executed in November, 1975. In 1978, Makivik Corporation was created to represent the Inuit beneficiaries to the Agreement, to manage the compensation funds, and to promote and protect the "ethnic" rights and interests of the Inuit acquired under the Agreement. Since that time its mandate has expanded to issues of unsettled claims, negotiating development agreements, constitutional matters and related political development.

The territory covered by the James Bay and Northern Québec Agreement includes that portion of Québec north of the 55th parallel known as the Inuit area of primary interest. (see Fig. 1) It represents an area of approximately 560,000 km. sq.. The administration of this region is provided by the Kativik Regional Government, which is "non-ethnic", and as such, it also referred to as the Kativik region. The Kativik Regional Government is responsible for the environmental assessment procedures established by the Agreement, is engaged in limited land use planning, provides municipal services and generally represents the residents (Inuit and non-Inuit) of the region.



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The Inuit of northern Québec also have certain rights and interests in areas outside their area of primary interest south of the 55th parallel based on traditional land use and occupancy. There are provisions in the James Bay and northern Québec Agreement which identify these rights and interests and although they exist inside the territorial boundaries of the Cree area of primary interest, they must be taken in account when making decisions concerning harvesting and management. The same holds true for Cree harvesting rights in the Kativik region over and above their rights in their Category I and II lands in the Whapmagoostui (Great Whale River) region.

Within Nunavik the land area is divided into Categories I, II and III, each with a separate set of rules, procedures and structures regarding harvesting, sport hunting and fishing, management and general access. A Hunting, Fishing and Trapping Coordinating Committee was established to administer and supervise the implementation of the entire Regime. Inuit members to this committee are appointed by the regional ethnic entity, Makivik Corporation. At a local level, individual community land-holding corporations were created to administer exclusive harvesting rights and provide a certain level of management authority on Category I and II lands with regards to sport hunting and fishing activities, outfitting, access, but not to decisions related to planning or habitat protection.

Superimposed on all of this administration (or more properly, underlying) is the reality that this region covers only a portion of what the Inuit of northern Québec consider to be their traditional and present day homeland. The homeland they refer to as Nunavik includes the Kativik region, but also includes significant portions of the offshore area around Québec and Labrador, and parts of mainland Labrador itself. I introduce this point here, because it is often assumed that modern-day claims settlements are comprehensive both in subject matter and territory. For Nunavik and the Inuit of Nunavik this is not the case. While protection of their land base, resources and harvesting was a predominant theme during the negotiations, the fact that the Agreement did not encompass the Inuit's (or for that matter the Cree's) entire land base has added a level of complexity and confusion to the implementation process.

The Inuit of northern Québec, unlike the Crees of James Bay and other aboriginal groups in the north, have never been involved with direct government wildlife management or regulation efforts until the James Bay and Northern Québec Agreement. There had been

some experience with a level of control exercised by the trading companies, federal agents and post managers especially during the height of the fur trade, but in more recent times, their hunting, fishing and trapping activities were neither regulated nor monitored in any way. Of course the erratic nature of the fur markets and other economic factors had both positive and negative consequences, but of a very different nature than the bureaucratic administration of one's means of earning a living. The Inuit never had quotas, licenses, assigned territories, permits or specific rules to follow. Therefore, there was no recent history to prepare them for their involvement in what was to become a very complicated administrative relationship among themselves and with governments.

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### **3. The Context Created by the James Bay and Northern Québec Agreement**

The James Bay and Northern Québec Agreement was negotiated and signed off all within approximately a one year period. It was not the product of any in-depth planning, consultation based on consensus, or even a well developed or accepted divergence of opinion. Time delays were imposed and the atmosphere quickly became one of "it's now or nothing". The hard won Malouf decision on November 15, 1973 which awarded an interlocutory injunction to the Cree and Inuit plaintiffs, was suspended a week later pending a final decision by the Québec Court of Appeal on a permanent injunction. In the meantime, Québec Premier, Robert Bourassa submitted a proposal for a negotiated settlement. Assessing the possibility of an unfavorable court ruling, the Cree and Inuit eventually accepted to be involved in what was essentially an out-of-court settlement. Discussions and counter proposals continued into 1974 and an agreement-in-principle was concluded on November 15, 1974. On November 21, 1974 the courts, in fact, denied the Cree and Inuit a permanent injunction, therefore, effectively reversing the Malouf decision. This put an end to litigation, and active negotiations towards a final agreement began with a target completion by November 1975.

Supporters of the Agreement argue that it provided a territorial base, secured harvesting and other rights that were not recognized prior to November 1975, established new lines of communication and levels of responsibilities between government and aboriginal peoples, provided an independent source of funding for use by aboriginal peoples' organizations, and established an early form of self-government. Critics of the Agreement argue that most of these new rights are not secure, that many of the benefits were already available under present government programming (just not applied), and that the compensation payment cannot replace the loss/extinguishment of aboriginal title.

At the beginning of the negotiations, the objectives of the Inuit were to gain some type of agreement that would limit the negative impacts from the LaGrande complex and to use the opportunity of the claims process to advance their own agenda vis a vis governments. They argued that protection of lands, living resources and the environment in general were essential in order to prevent a slow deterioration of their society and land-based economy. Certain Inuit leaders stood firmly against any development. Others felt

that if planned development reflected Inuit values and assumed their participation, it would serve to limit the impact on the environment while at the same time provide new economic opportunities.

Though the product of an out-of-court settlement, rather than the land claims process as we now know it, the James Bay and Northern Québec Agreement created precedents, standards and limits for claims policy and future agreements which are still felt today. If for no other reason, therefore, it was and continues to be a very important document in the history of relations between aboriginal peoples, governments and developers.

Regardless of the point of view one may hold about the Agreement, it would be difficult to deny that this document continues to have a profound impact on the social, economic and political life of the Inuit. Supported by a cadre of lawyers and non-natives advisors (mainly from academia), they concluded Canada's first comprehensive land claims settlement meant to cover all aspects of their lives. It brought about the extinguishment of their aboriginal title (and that of other aboriginal groups with interests in that territory) and established a clear title for development to proceed.

In exchange for extinguishment, the Inuit (and Cree) were granted rights, privileges and financial compensation all of which are defined in detail in the Agreement. These details, however, are so numerous that they tend to obscure the larger and long-term implications for the Inuit. A not so subtle expression of these implications appears in the introductory text to the Agreement which reproduces a speech presented by Mr. John Ciaccia, chief negotiator for Québec to a Parliamentary Committee of the National Assembly of Québec just prior to the signing of the Agreement.

" ... The land these peoples (Crees and Inuit) inhabited was in Québec, after 1912, and yet Québec's title was not properly defined. This Agreement will remove ground for further doubt or misunderstanding...

... Both the Québec government and the Native<sup>1</sup> peoples can feel that they are sharing a victory. It is a victory for the government because, by virtue of

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<sup>1</sup> In the James Bay and Northern Québec Agreement, the term "Native" is used to define the Cree and the Inuit (Section 1: 1.12). "Cree" and "Inuit" are further defined (Section 1:1.9 & 10) to be those persons eligible to benefit from the Agreement, which in certain circumstances could be a non-Cree or a non-Inuk

the Agreement, the presence of Québec is finally and completely asserted in the North ...

... In reality we are giving cultural minorities the chance of collective survival, and we are doing this without in any way diminishing the Province's power to use the resources of Québec for the good and the benefit of all the people of Québec ...

... The Native people will have a part in deciding and establishing the environmental equation ... They will be able to make their positions known through advisory bodies and study groups that the Government will be obliged to consult ...

... It was a comprehensive settlement that would establish, once and for all, Québec's authority to dispose of the territory in accordance with the dictates of public interest of Québec's national policy ...

... Why do we want to do all this? Simply because there are people living in the North who need public services, who are counting on good administration of their affairs, and who have a right to participate in that administration. The principles of sound and rational administration prompt us to act in this manner. The well-being and the interests of the people require that we do it.

... It is my ardent wish, Honorable Members, that we shall be legislating not only with a view to new commitments and to a clear and precise affirmation for Québec's presence in its North, but also with a view to the creation of a framework within which Québec can give substance to its vision of the North ..."<sup>2</sup>

Echoing throughout this speech, and in the Agreement itself are the tones for the longer term implications. "Authority", "good administration", "clear title", "cultural minorities" should have set off the alarms. What government intended by this Agreement was clearly in contradiction to what motivated the day-to-day Inuit and the Cree to conclude the Agreement. The expectations the Inuit and Cree communities had when they ratified the document, especially in the areas of lands, resources and environment, were for effective participation in decision-making, respect for their values, knowledge and traditions and confidence that hunting, fishing and trapping practices would continue and evolve in a context largely of their own making. In hindsight, it is clear that there were two very different views of what the Agreement had accomplished.

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<sup>2</sup> Excerpts from the "Philosophy of the Agreement" *The James Bay and Northern Québec Agreement*, Editeur officiel du Québec, 1976. pp. xiii - xxiv.

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These views were in large measure diametrically opposed and as the implementation proceeded appeared irreconcilable. More recently, separate implementation negotiations were undertaken with the Federal government where some important issues were resolved. Currently (1995), the Inuit are involved in implementation negotiations with the Québec government. The scope of issues to be addressed and problems to be resolved are far greater than those dealt with in negotiations with the Federal government. These will not be settled in the short term. In both cases, however, fundamental issues of power-sharing, control over lands and resources, etc. were not on the table. These issues await self-government negotiations.

The signing of the Agreement brought drastic change to the institutional structures governing community and regional life of the Inuit. The lands, environment and hunting, fishing and trapping regimes all reflect this emphasis on administrative structures. The regimes were designed to effectively regulate peoples and their activities according to a variety of principles. These principles include environmental protection, resource conservation, and protection/priority of Native harvesting. In addition, inherent in the designation of land categories is the notion that harvesting can be protected through geographic delimitation. The paradigm of "staking out territory" to respond to various and often competing needs was never really questioned in the negotiations. Land selections have not only created artificial "hunting territories" for Inuit, ignoring their real needs for mobility and flexibility and in relation to non-Native use and development, but have also created community-specific territories, a concept completely foreign to Inuit harvesters. Drawing lines on maps and creating boundaries to resolve disputes or share a land base is a system well understood, accepted and supported by a legal system in non-aboriginal Canadian society. It is not a system well understood by Inuit, nor is it supported by any social system. This has created much confusion, friction and in some instances, elicited hostility.

Eighteen years later I think it is fair to say that the Agreement has failed to deliver on Inuit expectations. One could argue that these expectations were naive, misplaced or even manipulated, but that is another issue altogether and in my mind, is the easy way out of facing the dilemma which now confronts the Inuit of Nunavik. The fact is these expectations did, and to a certain extent, still continue to exist. Eighteen years have been spent trying to create structures to service the needs of the implementation process rather

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than focusing on identifying and addressing the evolving needs of the Inuit (and Cree) in relation to the realities of the region.

The establishment of the regimes and the consequent implementation processes presupposed an "western" organizational structure which did not, and for the most part, still does not exist in Inuit society. Alien structures were conceived and imposed rather than building on those which already existed within Inuit society. Real equality in the decision-making process was never envisioned by government authorities. The ultimate authority of governments would prevail. Furthermore, the frustrations that this imbalance has created have undermined traditional concepts and systems of resource use and management, and have lead to confusion and alienation from more appropriate decision-making processes. It has pitted collectivity against individual against, with government/development agencies acting, often enough, as both instigator and arbitrator.

#### 4. The Hunting, Fishing and Trapping Regime

While a comprehensive land claims settlement covers a broad spectrum of actions and issues, at the time of the negotiations, most Inuit were primarily concerned with the recognition and protection of hunting, fishing and trapping activities and direct participation and a measure of control over wildlife management, resource development, land use planning and environmental protection. Whether the Agreement achieved the objective of protecting and promoting the Native interest in these areas, becomes a fundamental question.

One of the principle stated objectives of the negotiations was to protect and promote hunting, fishing and trapping activities and to secure greater participation by Inuit in decision-making processes. An excerpt from the minutes of the Hunting, Fishing and Trapping Negotiating Sub-Committee, April 2, 1974, illustrates this quite clearly:

"A representative of the Energy Corporation asked if the Native people would be responsible for taking censuses of wildlife presently being undertaken by the wildlife services. Another individual from the Corporation mentioned that although the Crees and Inuit had managed the resources skillfully before the coming of the whites, additional pressure brought about by white development had made scientific and technical methods necessary in game protection.

It was quickly pointed out to the second speaker (by a Native representative) that he had just articulated the fundamental reason why the Native people wish to retain control over their land and their resources and that it was not sufficient to argue that because this environment has been disrupted by whites, now whites must control and regulate the activity in this region."

An entire section of the Agreement (Chapter 24) is devoted to defining and detailing the rights of Natives (and non-Natives) to wildlife use and their role in management. Rather than delivering on the expectation that it be a model for Native participation in resources management, I would argue that in fact the Regime does little to give Inuit real access to real participation and has shown itself to work against the interests of both the more traditional harvesters and those Inuit pursuing new economic initiatives based on renewable resources.

The Hunting, Fishing and Trapping Coordinating Committee is the mechanism by which the Regime is "delivered". It was established as an expert body made up of Native

and government members and was to review, manage and in certain cases supervise and regulate the Regime. It is made up of equal membership from the government and Native signatories to the Agreement. The development corporations are represented as observers. The Chairman rotates annually from among the parties and has the tie-breaking vote.

The Committee is purely advisory in nature and with the exception of its authority to establish an upper limit of kill for caribou and moose, and make management decisions for black bear in a certain limited zone, the responsible governments have complete veto over any of its recommendations. A Minister's only obligation is to re-consult the Committee prior to taking an action contrary to a recommendation. In that event the only recourse the Natives have is legal action an option that in fact they have been forced to use this option over the years.

Attempts to implement the right of first refusal for outfitting in favor of the Natives provides an interesting example. Briefly, the Agreement provides that within their areas of primary interest, the Inuit and the Cree have a right of first refusal to operate as outfitters in Category III lands for a period of 30 years from the execution of the Agreement. In order to make that right operational, the Inuit and the Cree shall not exercise this right with respect to at least three non-Native applications out of every ten. The Hunting Fishing and Trapping Coordinating Committee is responsible for overseeing the implementation of these provisions.<sup>3</sup>

The Inuit and Cree were anxious to activate these principles as quickly as possible. In the Inuit region outfitting has a long history. The Inuit had several very successful camps already in operation. Outfitting was a tested means of providing income and interesting employment for the communities. The Inuit were concerned, therefore, with securing prime sites for outfitting potential. After laboring to reach an agreement on the practicalities of a process through the Coordinating Committee, the James Bay Energy Corporation took the position that it should be the Québec Minister of Tourism, Fish and Game that selected the sites to which the Native right of first refusal did not apply. For the Inuit and Cree, this completely defeated the purpose of the provisions. The Native parties launched legal action asking the courts to interpret these provisions. The courts interpreted

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<sup>3</sup> Paraphrase of Sections 24.9.3 and 24.9.6 of the James Bay and Northern Québec Agreement, Éditeur officiel du Québec, 1976.

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in favor of the Native parties and Québec appealed. Québec finally dropped the appeal and agreed to seek an out-of-court settlement which ended up as an extended negotiations for an amendment to the Agreement. This settlement served to establish the rules of procedure for implementation and also provided a definition of what constituted a transfer for the purposes of exercising this right. Complementary Agreement No.10 was signed in April 1989 a full 14 years after the signing of the Agreement! Even at that, the complex procedure established by this amendment, coupled with the backlog of applications, has resulted in a moratorium on outfitting development in parts of the Inuit region. So much for the principles of affording economic opportunities to the Inuit based on the use of renewable resources.

The Coordinating Committee is not functioning properly nor fulfilling its duties in either a broad or narrow sense. The Committee constantly breaks down along party lines, members re-negotiate or re-interpret provisions of the Regime paying little attention to history, attendance by Native members is poor and the subject matter repetitive reflecting its inability to come to decisions. One of the major challenges confronting the Coordinating Committee when it was established in 1975 was to create an atmosphere in which qualified Inuit and government professionals could exchange ideas and benefit from each other's expertise, all the while moving towards a common objective. It has failed to meet this challenge, or actually to even acknowledge it as a challenge. The constant bickering over details came to mask the real impediment which is that the government and the Native parties did not share a common objective during the negotiating of this structure or in the implementation process.

The committee approach to problem identification and problem solving is, under the best of circumstances, cumbersome. In a cross cultural situation, where obstacles to exchange range from practical issues of language and translation to more fundamental issues of world view and style of decision-making, the experience can be numbing. Further, when the committee structure and mandate itself were arrived at through essentially an adversarial process, and when some of the members of the committee come to the table in the full knowledge that they represent the holders of most of the resources and all of the power, it is quite clear that problems lie ahead.

The Inuit, through Makivik Corporation, began their association with the Coordinating Committee in good faith. It appointed well-respected and knowledgeable

hunters as its members. It was frankly a humiliating experience for them. There was no effort or interest in creating the means for dialogue even for its most basic requirement - Inuktitut translation. Makivik provided translators. Then the debate began over French and English as the working language. Makivik found and provided that rare individual who could translate English, French and Inuktitut. When Inuit brought forward their concerns, articulated from their experiences and points of views, they were politely listened to then promptly ignored.

Makivik changed its approach. It appointed younger, English-speaking members who had a mandate to communicate the concerns of the hunters and the communities to the Committee. Makivik absorbed all of the costs associated with this time-consuming, on-going consultation process. When confronted with arguments articulated in bureaucratic language, governments shifted the ground by debating interpretation of provisions of the Regime and what governments were and were not actually responsible for. The Inuit (and other Native members) then began bringing legal counsel to the meetings to counter government positions, again at their own cost. Governments then complained that the Natives were politicizing the process and refusing to get down to work. By this time years had passed and the Coordinating Committee was in shambles.

The cost in financial and human resources to participate in this type of process was enormous. One of the basic features lacking in the James Bay Agreement is implementation funding. The costs associated with participation in the Regime and the Committee are born by the Native parties directly out of their compensation funds. The Inuit have three members, supported by staff of Makivik. Between regular meetings and special working groups, there can be as many as 15 meetings per year. This is aside from the work involved and travel to the communities between meetings to develop internal positions. The cost has been \$150 to \$200,000 per year in salaries and travel. It is an enormous undertaking and very draining on the individuals involved. Couple this with the very limited positive results to report back to the communities and the strain for these representatives becomes too great resulting in a high turnover in members or failure to consistently attend meetings.

That is not to say that certain individuals, though rare, appointed from governments were not well-intentioned and sensitive to the situation and the complexities of this new cross-cultural situation, but as government representatives, they had no ability or authority

to change the course that the Committee had taken. The Committee became characterized by an absence of action and consequently viewed by the Inuit as an obstacle to any progress on matters of importance or concern to them. At the same time, this absence of action permitted other activities, conducted by governments and developers to continue relatively unabated by the requirements of the Regime.

If goodwill prevailed, government ministries would rely on this Committee operating properly in order to effectively implement the Regime. However, problems and issues that have been resolved over recent years are largely the result of by-passing the Committee and holding bilateral discussions/negotiations with government agencies. The results are brought to the Committee essentially for "rubber-stamping". For the Inuit, the results of these bilateral discussions have been generally satisfactory; much more satisfactory than pursuing solutions through the Committee. Recent examples are agreements on a system of mobile camps for the sport hunting of caribou with the Québec government, and the development of a beluga whale management plan with the Federal government, including the adoption of quotas, sanctuaries and criteria for harvesting techniques - all issues directly the responsibility of the Committee.

The Inuit learned that there was no possibility for substantive issues being resolved, within any acceptable time frame, by the Committee structure. Makivik has now chosen to pay perfunctory attention to the Committee with limited expenditure in funds or human resources.

In general, Inuit argue that rather than feeling more in control of events that impact wildlife and wildlife habitat, that quite the opposite, they are less in control than ever. The courts have had to be petitioned on several occasions to interpret the Regime and have it properly applied, then spend years and tens of thousands of dollars to negotiate complementary agreements to detail the substance of the issues. When the needs of the Inuit evolve, such as permitting the commercial sale of caribou to increase economic development opportunities for the communities, Inuit are again met with years of expensive negotiations and political obstacles. The recently signed complementary agreement confirming the exclusive right of Inuit and Cree to hunt caribou for commercial purposes took four years to negotiate and was seriously interfered with at the latter stages by Hydro-Québec, reflecting the current strained relations with the Cree over the proposed Great Whale River hydroelectric development project. Meanwhile local country food stores in the

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Inuit region have not had access to one of their most marketable resources and one where there is clearly a surplus available for commercial activity.

The actual signing of the Agreement represented a stage rather than an end point of negotiations. Consequently, much of what we refer to as implementation is in fact, a continuation of the negotiation process. In a certain way this type of distinction may not make much difference except that it means that the Native parties must accept the responsibility of supporting the cost for continuing negotiations from their compensation funds that should be used more directly and effectively in the implementation of specific parts of the Agreement. Inuit expected to see a change in their lives after the Agreement was signed. It may well be that expectations were raised too high and the implementation process not well understood at the local level, but nevertheless, Inuit felt that the Agreement would give them certain powers. The reality was that each time these "powers" were exercised, their validity was questioned and their meaning subjected to further debate and interpretation. It caught Inuit by surprise. They wanted visible change, yet they seemed only to encounter further complications.

The continuation of negotiations in the guise of implementation also has a negative impact on the spirit and enthusiasm of local people. The implementation process has not moved significantly beyond the control of lawyers, consultants and other "intermediaries" and put into the hands of the day-to-day Inuit. What is interesting to note, however, is that community affairs outside of the immediate scope of the implementation process, are increasingly under the direct control of Inuit. Long-standing patterns for exercising community authority and decision-making are re-establishing at the local level. Municipalities have replaced community councils, but many similar features of family associations and style of decision-making are re-emerging.

In many discussions that I have been involved with over the years, I have heard the argument that the claims process can not do more than provide "opportunities" for Native people to more effectively participate in management, planning, etc., and cannot guarantee this participation. While such an argument carries with it a degree of logic, it is too simplistic, if not patronizing, and must be evaluated in terms of the objectives of each group involved in the claims negotiations and claims implementation process.

## **5. The Land Selection Process**

The identification of territory and the recognition of the fact that this territory has been and continues to be used by Inuit according to long established patterns of activity, is essential to all land claims and eventual self-government. A basic requirement of the modern day claims process is for the Natives to "negotiate" for the selection of lands that will either belong to them under one of several ownership arrangements, or on which they will have certain rights and privileges. This is considered to be an improvement on the earlier process of "imposing" land allocations through the treaty-making process. Fundamental to the selection process, however, is the notion that most of the lands do not belong to the aboriginal inhabitants. No thought was given at the time to the psychological impacts on the Inuit and Cree of carving up the land and assigning to those parcels different types of ownership.

When the technical staff working for the Inuit first arrived in the communities armed with maps, acetate and marking pens, their immediate task was to undertake discussions, assisted by Inuit involved in the negotiations process, on why it was necessary to divide up the land on the basis of areas that were considered to be the most important for each community in the hopes that these lands could be protected. I personally recall being regarded as a complete lunatic when proposing this endeavor. Here was this "twenty-something" non-Native female with translator in tow, describing to experienced hunters their new reality.

First, the notion to be explained was that we were not dealing with their entire territory. They were to consider only the mainland. For now the offshore areas were not being negotiated. Then we had to explain that not all the land could be selected as Inuit land and further that the government had arbitrarily restricted selection of coastline to 50%. Then we went on to explain third party interests and unrolled reams of maps dotted with ancient mining claims and covered by planned Hydro development. We then carefully explained that the purpose of this exercise was to first identify why and for what purpose specific portions of land were important and then to try and secure those land areas (including lakes and rivers) which could protect those needs. The needs could be related to harvesting, economic development, social/cultural significance, etc. This would be done by identifying those areas on maps and have in-depth discussions to develop the

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background arguments. Land selection committees were created in each community for this purpose. It was the job of each committee to provide information on behalf of their entire community and then later in the process, participate in the actual negotiations.

One can only imagine the mental gymnastics that these older hunters had to go through to begin drawing lines on maps, according to pre-determined allotments based on a per capita allocation and community size, pre-determined limitations on the percentage of coastline that could be selected and restrictions imposed by third party interests or future development scenarios. What areas are most important for harvesting? Where are the sensitive ecological zones? What are your views on changes in the community hunting areas over time? Show us where those are and we will try and "get them for you". On more than one occasion we were all reminded that as far as the community representatives were concerned, they "already had them" if use and occupancy for generations were any indication.

People participated, however. There was a momentum that was created by the process. The leadership was persuasive in terms of the urgency and benefits of moving forward with the claims process. The land selection committees got quickly caught up in the whirlwind of travel and meetings. Many of the members of these committees had never been south before in their lives, except perhaps to hospital. That in itself served to both excite and intimidate. The contrast between the careful and painstaking work of selection with maps spread over the floors of council offices in the north, and the frenetic atmosphere of negotiations in the board rooms of Québec city and Montreal was definitely a factor for both the Inuit and the support staff. It created a sense of "unreality", and a balance between what people were saying in the communities and the demands of the negotiations process was, I believe, impossible to achieve.

What emerged from this process is a series of land selections that bear very little resemblance to those first selections made in the communities based their needs and concerns. The process of negotiations whittled away at Inuit arguments and the needs of governments, third parties and developers were well entrenched. Lands that were of "value" to governments, took on more significance than lands that were of "value" to the Inuit and as a result, the Inuit lost many of the arguments over issues of future development and third party interests. At the end of the day, their allocations were basically intact, but where those allocations were applied were the product of intensive negotiations. And

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finally, a government expropriation clause for Category II lands neatly took care of areas that could become of interest in the future.

We see now the results of this process. Interests are managed around Category I, II and III land designations. It is almost like the process of ghettoization, albeit on a relatively large land base. The need for crown lands, resources and programs to be managed in such a way as to complement and support the intent of the Category I and II lands to secure a productive land base for Inuit is considered by governments to be untenable. The perspective that prevails is that the Inuit have their lands and "crown lands are crown lands". Increasingly, Category I and II lands have to absorb the pressures created by policies, programs and activities on Category III lands. What this means for the management of resources is that the focus is not, and has never been, on the needs of the Inuit.

Land selection, the lands regimes, and resource management have all developed as separate processes beginning with the negotiations and continuing into the implementation process. Such separations often create confusion at the community level. They are illogical and untenable. The land selection process has assisted in undermining whatever small advantages were obtained through the Hunting, Fishing and Trapping Regime by separating people from their land base "cartographically". The land is no longer a flexible zone of operation, it is now classified, restricted and administered. Even if other uses and users of the land are never supposed to interfere with the right to harvest, the burden of proof is always on the Inuit and Cree to demonstrate the negative impacts. The only vehicle available to them for these purposes is a faulty environmental assessment procedure. The problems surrounding the environmental review of the proposed Great Whale hydroelectric development project give ample evidence for the frustrations felt by the Inuit and Cree.

## 6. The Makivik Response

Not too long into the process, Makivik Corporation developed a sense that matters needed to be taken into their own hands or they, and the communities, would be overwhelmed by the difficulties of the implementation process. The Agreement did provide the Inuit with some financial resources, political and legal structures to work with and to build on. By the late 1970's the Inuit chose to be proactive and initiate rather than react to events in the area of wildlife management.

It was recognized early on in the process that a culturally appropriate and workable program of resource management had to be responsive to the evolving needs and priorities of the Inuit, their knowledge, perceptions and research skills. In addition, the biological characteristics and ecology of each species, and the physical conditions of the marine, land and freshwater habitats of the regions had to be better understood from both the perspective of Inuit and western science if the Regime was ever to be actually implemented. Information and data were the only basis upon which proper implementation could take place. The *Principle of Conservation*, the *Right to Harvest* and the *Guaranteed Levels of Harvesting* could only be operationalized with serious data on the population levels and dynamics of each species and the level of exploitation by all users. With the exception of the data made available during the course of the *Research to Establish Present Levels of Native Harvesting*, very little information existed for the other elements of the management equation.

Inuit had to be fully involved with every phase of the program and play an active role in the debate, the science and the politics involved when making difficult resource decisions. It was the position of the Inuit that active involvement goes far beyond the process of politics and consultation. It must incorporate the values, knowledge, points of view and expectations of Inuit with respect to the formation of management principles, with the establishment of management and research priorities and with the design and execution of specific studies and the application of findings.

The direct involvement of communities and local organizations was required to achieve these goals. Clearly, based on the first few years of experience, the Hunting, Fishing and Trapping Coordinating Committee would never be in a position to even reach a

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consensus on these goals, let alone set about developing a strategy to achieve them. Had it been properly functioning, the Committee would have recognized that in this new cross-cultural situation, the components of involvement included: information that sets a perspective on the problems that give rise to the needs for a strategy of resource management; Inuit knowledge which provides an essential body of information for that purpose; southern science which provides another critical body of information; creative integration of these two sets of information; specific research which will forge a new approach to the study of northern issues and problems and; finally, a shift in attitudes that reflects mutual respect, confidence and common understanding.

It was around this understanding and to meet this challenge, that Makivik Corporation formed a Research Department in 1978. After several years of struggling to find a "fit" in the implementation process, Makivik decided to take the initiative and develop a program to participate in the intellectual, rather than the political, elements of northern research. Research was considered a fundamental element of Inuit participation in the management and development of a new approach to solving environmental, cultural and economic problems.

The Research Department was given a mandate to develop the role of Inuit expertise in research and to re-direct research towards problems of concern to the Inuit. The decision to take this route was not an easy one. Deep suspicions about the relevance of science existed and there was a legacy of doubt about the ability of science to work in the interest of anybody other than scientists and western institutions. On the other side, there were the entrenched views that doubted the value and relevance of Inuit knowledge and its practical or effective role.

At first, the Inuit were concerned about having equal access to scientific and other types of western based information that was available concerning their territory. Very soon, however, it became apparent to them that this information, when it existed, was severely limited. It rarely had time depth, was far from complete and, therefore, lacked the capacity to address many of the critical social, economic, political, environmental and educational issues that were confronting Inuit society. At this point the Inuit shifted from an immediate concern with having access to western based information, to one of developing an entirely new information base. Only in this way did they feel that it was

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possible to create an information base and structure for problem-solving that was truly responsive to their needs and priorities.

Underlying this approach was a growing concern that just to be given access to information sources was not to be given equal ability to utilize information in the best way possible. The problem was not only one of the simple accumulation of western-based information, but rather of developing an entirely new type of information base and perspective, and to do this in a way that would be of direct use to Inuit. Otherwise, decision-making would always be resolved in favor of the priorities of others.

In order to permit the development of this type of information base Makivik's new research department was asked to address four objectives during the first phase of its mandate. These were:

1. To identify the research needs and priorities of the Inuit and develop a relevant and effective program of studies for meeting those needs and priorities.
2. To establish a set of principles and guidelines which would govern Inuit participation in all phases of research and which would recognize both the intrinsic value as well as the scientific importance of Inuit knowledge to the future success of northern science and research.
3. To encourage Inuit participation in scientific work through programs of training and education, and to foster the exchange of knowledge and skills through the development of cooperative working relationships between Inuit and non-Inuit researchers.
4. To develop a data base and expertise within Makivik Corporation which could be used to inform decision-makers, help in the formulation of policies and programs, and assist Inuit communities and their organizations.

A staff of non-Inuit researchers was hired to work directly with Inuit on all phases of the work and program development. A research center and cartography center were established in the north. Many different types of studies have been carried out over the past

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15 years, but three areas have been emphasized: long term studies on Inuit land use and their ecological/environmental knowledge; wildlife resource and planning studies; and cultural/ historical research. Makivik Corporation has continued to provide the core financial support for this effort in the order of \$600 to \$750,000 per year, directly out of the compensation funds. Outside funding is also sought on a project by project basis.

The rationale underlying the development of the Research Department was that effective change in the role that Inuit can play in the scientific process is a long term commitment and involves changes both from within Inuit culture and western culture. There is no rapid solution nor rapid transition. It is a process that required a shift in the commonly held, ethnocentric attitude that western science is somehow "superior" in scope and depth to other ways of knowing. It required a commitment to involve Inuit and their aspirations in the process as partners, not as the objects of research. It required respect for other cultures and an open-mindedness which permits the possibility for alternative ways of viewing problems and carefully searching for solutions.

The Makivik Research Department put considerable effort in the early years of its development to establish the principle that Inuit participate at all levels of the research process, meaning from problem identification through to analysis and application. It was hoped that through this work, Inuit in Nunavik would develop a level of understanding and control over how they can use research and information for themselves. In addition it was hoped, that some of those individuals from governments and research institutions who would participate in this process over the years would develop a new understanding about the needs of Inuit and the northern communities.

The process of scientific development in Nunavik has passed through many stages. Concern has not disappeared, but compromises have been made and supported by a consolidation of Inuit control over the activities of researchers through the Makivik Research Department which has resulted in building a confidence among Inuit in their ability to control, carry out or participate in a variety of levels of study. In Nunavik, either work is carried out by the Department itself or in conjunction with a wider network of researchers, or the research program has to go through a process of review by the Research Department.

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Makivik does not have any absolute control over research in the region. This was never the intention. What has developed is a new way of doing research in the north which, to the extent that Inuit wish to be involved, they are usually assured that involvement. This assurance is expressed in its most positive and productive sense by a genuine desire on the part of many non-Inuit researchers to involve themselves in this new process which they recognize as being in everyone's best interest. In its most negative or crass sense, Makivik has developed enough political clout over the past 20 years in this arena, that if they scream loud enough over a particular situation, work will likely be required to cease until the problems are resolved.

The next step was to strengthen and transform this new confidence into a full capacity to design and carry out large and small projects and in so doing, to create a new alliance between the knowledge base and perspective of Inuit and that of southern science. In order to achieve this, Makivik concentrated on three main areas of research. The first was Inuit land use and harvesting research. The primary objective of this research was to gather, review and continually update the information needed to build a large geographical data base on past and present land use patterns and harvesting levels for all species and for the entire land and offshore territory of Nunavik. This project provided the opportunity to create a permanent set of maps and supporting text for the vast amount of land use and harvesting information that had never been systematically documented. The information, generated from thousands of hours of interviewing and thousands of field maps, has been entered into a geographic information system. This system is used to maintain and expand the data base and to apply the information to the many social, economic and political needs of Nunavik.

The second area of research was a major program involving the systematic collection of Inuit knowledge about the environment, ecology and resources of Nunavik. This program also provided the opportunity to create a permanent record of this critical intellectual heritage. The need for this type of information was based on three major concerns expressed by the Inuit. The first was to demonstrate the existence of an indigenous knowledge base within Inuit culture which is derived from long-term observations and experiences with all aspects of the environment. The second concern was to record this oral knowledge for use today and also for future generations. Finally, hunters wanted to demonstrate the relationships between land use and the physical and

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biological environments to promote a wider understanding of why they use, or do not use, particular areas and why their use of areas may have changed over time.

Makivik has provided all of the financing for these two areas of research over the years. Total control over the information is assured. Very specific protocols have been developed between Makivik and the communities so as to assure that even Makivik cannot access and use this information without community consent. Over the years the data base has been used to support and develop new statements of claim to areas not covered by the Agreement; environmental impact assessment of development projects; community resource management and allocation decisions and recently is being used in the development of new curriculum materials by the Inuit school board.

Thirdly, the long term plans of the Research Department called for the information on Inuit land use and ecological knowledge to be supported by, and when possible integrated with, more specific studies on the wildlife resources of Nunavik. These studies incorporated scientific research procedures and at the same time encouraged Inuit perspectives and techniques in all phases of work. It was assumed, from the very beginning of the program, that the incorporation of Inuit perspectives and techniques not only helped to facilitate the design and execution of research, but that it was essential if the findings from studies were to be accepted by Inuit.

The Research Department is still active and an important part of the continuing development towards more effective decision-making for the Inuit. I do believe that as a result of these efforts, that the Inuit, in general, have a much better understanding of the research and scientific process, are more confident about dealing with scientists and the management community and quite independent of the Regime itself and the implementation process, have developed successful co-management relationships with government agencies. The Research Department has also succeeded in developing a solid technical staff. It has certainly not succeeded in accomplishing all of its original objectives but has developed a much more realistic approach to those objectives. The full and active involvement of Inuit in all aspects of research and the co-management process remains illusive. The reasons for this could be the subject of another paper. In addition, what is still missing almost entirely is the movement of young Inuit through the educational system into professional positions within their own institutions or elsewhere. The Research

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Department was never successful in making this link through the Kativik School Board.  
My personal view is that this remains an important obstacle to full involvement.

## **7. Inuit/Community Involvement in the Management Process**

While Makivik and the Inuit were developing this internal capacity to deal with research and management issues, the requirements and complexities of the implementation process were still a reality. In order to try and tie this research/information effort directly into the implementation process, a better system for assuring community input was required. The experience, in most cases, was that involvement of Inuit was a last minute effort aimed at obtaining community support for an already planned and funded research program. Rarely under these circumstances is there time, or even any real interest, in dealing with issues or concerns raised by the communities. In fact, the usual response is that it is "too late to make that kind of modification and we will try to do better next time".

Makivik Corporation and the Kativik Regional Government thus created a new organization called Anguvigaq Wildlife Management Inc. Essentially this organization was a hunters and trappers type association. No such community-level organization was anticipated by the Agreement. It was created by Inuit and was mandated by the Inuit to represent them on lands and resource issues. The process of community consultation and representivity had always been an issue in the implementation process, and in many instances a serious problem. The Inuit members to the Coordinating Committee were not always carrying positions that were the product of discussion and community decision. This put an incredible strain on them and created stress between the communities and Makivik.

The initiative to establish Anguvigaq stemmed from a need to create a direct link between Makivik Corporation, the Kativik Regional Government, the communities, and in particular the hunters. Another stimulus for the creation of Anguvigaq came from the frustration and confusion felt by Inuit hunters caused by the overlapping mandates and jurisdiction of governments, regional and local institutions. Anguvigaq would act as an umbrella for all wildlife issues and was intended to provide direction, decisions and advice to all existing organizations, to communities and to individual hunters. It also provided an opportunity for the Inuit of Nunavik to apply their ideas and expertise to wildlife management.

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It was also clear by the early 1980's, that if the Inuit were to achieve a measure of control over management decisions related to wildlife, that a more formal structure was needed. This was particularly true with the increasing push towards self-government. Self-management and self-regulation in the realm of wildlife, were seen as positive first steps towards effective co-management and later self-government.

It was very much in the nature of "let's just set it up, take control, and worry about government reaction later", that best describes the context in which Anguvigaq was created. Makivik, through the efforts of the Research Department, took the lead. The Kativik Regional Government was also implicated, particularly through Hunter Support Program personnel. It was argued, and agreed, that the Program would function best if it was "supervised" by Inuit harvesters.

Anguvigaq was created and incorporated in 1983. It was supported equally by Makivik and the Kativik Regional Government (Hunter Support Program) to approximately \$100,000 per year. These funds were used to hire a regional coordinator, to hold annual meetings and do specific work. Makivik and the Kativik Regional Government also provided secondary support by assigning staff to work directly with Anguvigaq. Government support was constantly solicited with little success, the exception being the Department of Fisheries and Oceans which contributed towards specific work and initiatives related to research and management of beluga whales. This was primarily due to the interest of the Department of Fisheries and Oceans staff at the time who were sensitive to the Anguvigaq concept and, in fact, participated actively to try and make it work.

Anguvigaq achieved several important tasks during its tenure. It negotiated/launched, with the responsible governments, a Beluga Whale Management Plan and a Polar Bear Management Plan, both of which are still functioning today. It also provided much needed input to research programs and their design, took positions on wildlife commercialization projects, and gave direction to the Makivik members on the Hunting, Fishing and Trapping Coordinating Committee as well as to the Hunter Support Program, in particular at the community level.

Unfortunately, Anguvigaq could not sustain itself. Despite much effort, no commitments for at least core funding were obtained from government agencies. The response was that this type of organization was not foreseen by the Agreement and there

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was no obligation for funding. We were not successful with our arguments that foreseen or not, the need was evident and the benefits substantial. On top of their other financial responsibilities related to the implementation process, Makivik felt it could not continue financing on the long term. The Hunter Support Program was in a similar position.

At the same time, Anguvigaq itself was finding it very difficult to implement its mandate without a stronger level of institutional support. Some government agencies worked with Anguvigaq either because they believed in the process, or found it convenient to do so. But without a clear recognition of its authority and mandate, it was very difficult for Anguvigaq to require any compliance with its decisions, both internally and externally. On several occasions it also took positions against economic development initiatives being proposed by Makivik and/or the Kativik Regional Government. It was very difficult for this organization to feel and act independently on the one hand, and be totally financially dependent on the other. Tensions developed between Anguvigaq and the northern institutions. It faltered and was disbanded in 1988.

The need for such an organization still exists, however, and this need continued to be discussed and recognized by Makivik Corporation. In 1992, Makivik once again set up hunters' and trappers' associations at the community level in connection with a new program for inter-community trade. Armed with years of experience and commitment to research and with major investments in the infrastructure required to support this new economic development project, Makivik and the Inuit appear to be in a better position to make such an initiative work. Governments themselves, faced with ever decreasing budgets and capacities to do work and maintain a management/enforcement presence in Nunavik are looking to developing partnerships and are more amenable to devolving certain powers and authority to Inuit organizations. That, coupled with on-going negotiations on proper implementation of the Agreement and self-government for Nunavik with the Québec government, seem to be setting the stage for the Inuit to take more control of resource management.

## 8. Conclusions

It would be very difficult to hypothesize where the Inuit of Nunavik would be along the scale of participation and control over lands and resource management if the James Bay and Northern Québec Agreement had never occurred. Have the bureaucratic complexities created by the Agreement diverted attention from more substantive issues? Are the Inuit really any better prepared to deal with minor and major assaults on their lands and resources? Have the structures created by the Agreement alienated people from their land base and created physical and psychological boundaries between individuals, families and communities? Have the requirements of implementation created a dependency on outsiders (lawyers, accountants, lobbyists, assorted technocrats)? Having to ask these questions implies the answer.

We do know that the Agreement has made a harvester's life much, much more complicated. In retrospect, it is clear that one of the major weaknesses of the Agreement is the absence of any clear planning authority which would establish policies and a context for management decisions. While the Kativik Regional Government has some planning responsibilities, they are still subsumed under the role of the Québec government. It is now clear that the Hunting, Fishing and Trapping Coordinating Committee, or the Kativik Environmental Quality Commission, for example cannot be expected to perform their duties effectively without direction from a planning document, developed by consensus, and which reflects the views of the residents of the territory, particularly those of the Inuit, whose rights and evolving needs the Agreement was intended to enhance and protect.

The lack of a comprehensive planning strategy has also hampered the efforts of the northern institutions to present coordinated arguments and initiatives. The Agreement does not provide for, or require, the development of such a plan or strategy by Makivik Corporation, the Kativik Regional Government or community authorities. Properly conducted, the planning process can also be a very effective tool for developing participation by local peoples. It can also serve the critical function of revealing data and information gaps and to set in place processes to fill those.

These organizations have recognized this deficiency in the Agreement. Again they have taken the initiative to develop such a plan. At its annual general meeting two years

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ago, Makivik Corporation passed a resolution calling for a planning strategy to be developed and assigned financial and human resources to work directly with the Kativik Regional Government. The Regional Government was successful in obtaining funds for this purpose from the Québec government. Some problems were encountered with the initial program. Steps are just now being taken to resolve these. It is recognized that the planning process must be clearly grounded at the community level, that it must be responsive to the knowledge, perceptions and information provided by Inuit and that a serious, thorough effort of community consultation and animation must be the core of the process. The development of this strategy has been made a priority of the Inuit of Nunavik.

Closely associated with the need for a planning strategy for the Inuit region is the emerging position of the Inuit that some fundamental structural changes are required. Unlike other Sections of the Agreement, the Hunting, Fishing and Trapping Regime treats the Inuit, Cree and Naskapi under a single regime. The development of this Regime had as its objective the protection of a way of life that the Inuit and the Cree argued persuasively during the negotiations was being seriously threatened. The underlying assumption was that at least at the level of harvesting and relationship to the land, the Cree and the Inuit had the same concerns and needs. Therefore, the Regime was an attempt to provide a positive context for that way of life to evolve at a pace that could be possibly controlled by the Native peoples themselves, again the assumption being that the pace would be similar for the Cree and Inuit.

The political, social and legal conditions which led to the negotiation of the Agreement and which continued to exist during these negotiations lent themselves to this approach. Arguments about lifestyle, cultural integrity, and visions of the future all had as a common theme; the desire to continue harvesting and continued use of the land. The Inuit and the Cree argued strongly, and successfully, that the management and sustainable use of land and resources was inherent within their cultures. In addition, the migratory nature of many species, their joint use and shared harvesting territories all made a common Regime seem logical at the time.

Eighteen years later, however, it is clear to the Inuit that a common Regime is not an appropriate tool. Some fundamental differences have emerged among the Native parties to the Agreement and their representative institutions. Recent constitutional events speak

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eloquently to some of these differences. The Inuit are developing their positions and strategies for self-government and defining the boundaries of Nunavik politically and through on-going claims negotiations to the offshore and Labrador. The Cree are developing theirs. Each group must have the right to develop their positions and exercise their responsibilities in their own territory. It is difficult enough to seek consensus internally within the Inuit region. It is unrealistic to assume consensus and a common approach between two culturally different groups occupying two distinct regions.

Obviously, coordination and cooperation will be required. Where migratory resources are shared, for example, the planning strategy will have to accommodate not only associations with governments but with other aboriginal groups within the territory covered by the Agreement, the Northwest Territories and Labrador. The Inuit, and their representative organizations, must feel confident, however, that they can develop in the areas of planning, wildlife management and economic development, within their territory, according to their needs and aspirations, be those cultural, political or economic.

The lack of an implementation plan, associated funding and a dispute resolution mechanism were all discussed at the Workshop as problems with the Agreement. Implementation negotiations were concluded with the Federal government in 1990 which provided some funding, now administered by Makivik, a dispute resolution mechanism and commitments to implement specific federal responsibilities under the Agreement. In exchange, the Inuit provided the Federal government with a release. Similar negotiations have recently commenced with the Québec government. They are much more complex, reflecting Québec's greater level of involvement and responsibility with the Agreement. The Inuit have had to put considerable effort into getting governments to participate in these implementation negotiations. Recognition of the Agreement as an evolving, living document is not a commonly held view by government.

The shortcomings of the advisory committee structure as a means for the effective participation of Inuit in the decision-making process have been discussed in this case study and at length during the Workshop. Other aboriginal groups negotiating claims settlements or other resource management agreements over the years have certainly recognized the inadequacies. Whether advisory or decision-making, the critical issue, however, is the formulation of structures in such a way as to make aboriginal peoples confident and competent participants. One of the ways is to ensure that the available information base

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includes aboriginal peoples' knowledge and understanding of their environment. The same level of support, both financial and institutional, must be afforded to aboriginal groups as to government managers if equality is truly the objective.

In the preceding text I have not touched upon the issue of extinguishment. It was not the subject of the case study. After having participated in the Workshop on November 5 and 6, 1993, it occurred to me that I had purposefully avoided this thorny issue. Assuming that an aboriginal group embarks on the claims process, I now believe that extinguishment is the root cause of many of the problems and imbalances found in the resulting agreements. Its tentacles stretch into all areas of peoples' lives and it is a long, painful climb back into any position of authority or power.

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Figure 1 - Nunavik and its Communities

Unlabeled map on p. 4 of February 1995 report, original on  
RCAP project file

