



## Hunting and the Quest for Power:

### The James Bay Cree and Whitemen in the 20th Century

by

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#### Introduction

This chapter has been called "Hunting and the Quest for Power" <sup>1</sup> because it is about different quests for power and how they have interacted in the recent history of the James Bay region of northern Quebec. The key terms of this title are ambiguous; hunting means different things to the Cree than it does for other Canadians, and so, too, with power. The quest for power is a metaphor the Cree might use for the life of a hunter; it is also a metaphor Euro-Canadians might use for the goals of both northern developers and government bureaucracies.

The James Bay Cree region lies to the east and southeast of James Bay and southeast of Hudson Bay. It has been inhabited by the James Bay Cree since the glaciers left about 5,000 years ago. The Cree now number some 12,000 people and live in nine distinct settlements from which they hunt approximately 375,000 square kilometres of land. (The word "Cree" in this chapter refers specifically to the James Bay Cree.)

I visited the region first in 1968 when I began my doctoral research on hunters of the Cree community of Waswanipi. My interest in hunting arose from a concern for the relationships between Western societies and their environments. I had read often in the human ecology literature that Indians had a different relationship with nature,

but I found the literature vague and somewhat romantic in its account. I thought an "on the ground" study of Cree/environment relationships could help revise the popular images of Indians as ecological saints or wanton over-exploiters and could develop a practical understanding of the real accomplishments and limitations of one Indian group's approach. I think I was able to partially accomplish this goal, but with Cree tutelage and encouragement I also learned things I had not foreseen. These are probably best described as lessons in the sacredness of the everyday and the practicality of wisdom.

When the Cree began their opposition to the James Bay hydroelectric scheme in 1972, they asked if I would present some of the results of my research to the courts and then use them in the negotiations. It was an unexpected happenstance that my study proved to be of some use to the Cree, and one for which I was thankful. I served as an adviser to the Cree organizations during the negotiation and implementation of the James Bay and Northern Quebec Agreement, regularly from 1973 through 1978, and on an occasional basis thereafter. This took me into a new set of interests in the relationship of the Cree to the government and toward a deeper interest in Cree history. The results of some of these experiences are described in the latter parts of this chapter.

## **Part I:**

### **The Contemporary Cree Hunting Culture**

#### ***Cree Hunting Culture and Knowledge***

An early ethnographer of the Eastern Subarctic, Frank G. Speck, called Indian hunting a "religious occupation." Several recent ethnographers have called it a culturally distinct science, an "ethnoscience." How can we understand Cree hunting, a way of life whose destruction would cause not only an economic and social crisis but a cultural and moral crisis as well? To answer such questions we must try to understand what meanings hunting has for the hunters themselves.

We can develop an understanding of how the James Bay Cree think about hunting and about themselves and their world by considering the different meanings conveyed by the Cree word for hunting. We will find that their concept of hunting is very different from the everyday understandings common in our own culture. However odd the Cree conception may appear to be at first, we will find that it not only has logic when understood in the context of Cree thought and action, but also that it has important affinities with the recent discoveries of ecological scientists working within our own culture. These analogies may help us to better understand Cree thought, although they will not make the Cree out to be scientists or transform scientists into effective hunters.

#### **ANIMAL GIFTS**

*Nitao*, the root of the Cree term that is roughly translated into English as "hunting, fishing, and trapping in the bush," is found in a series of words related to hunting activities. At least five basic meanings are associated with this root term for hunting: to see something or to look at something; to go to get or to fetch something; to need something; to want something; and to grow or continue to grow.

That hunting should be thought of as a process of looking or seeking is apparent to us as well as to the Cree. Hunting is typically a process of seeing signs of the presence of animals - tracks, spoor, feeding or living areas - and of then seeking to encounter the animals and to kill them. The proposition that hunting is "looking" emphasizes the uncertainty involved. The Cree view is that most animals are shy, retiring, and not easily visible, and hunting therefore involves an expectation as well as an activity. The hunter goes through a process of finding indications of possible encounters with animals; if the hunt is successful he fulfils his anticipation. We will see below how this anticipation plays a role in Cree thinking.

That a successful hunt should also be conceptualized as getting or fetching animals is also apparent, but part of what the Cree mean by this is different from what we would assume. To get an animal in the Cree view does not mean to encounter it by chance, but to receive the animal. The animal is given to the hunter. A successful hunt is not simply the result of the intention and work of the hunter; it is also the outcome of the intention and actions of the animals. In the process of hunting a hunter enters into a reciprocal relationship: animals are given to hunters to meet their needs and wants, and in return the hunters incur obligations to the animals. Thus the Cree conception of hunting involves a complex and moral relationship in which the outcome of the hunt is a result of the mutual efforts of the hunter and the environment. This is a subtle and accurate ecological perspective. It may seem odd that animal kills should be conceptualized as gifts, and it is important therefore to note that Cree do not radically separate the concepts of "human" and "animals." In their everyday experience in the bush they continually observe examples of the intelligence and will power of animals. They express this by saying that animals are "like persons"; they act as if they are capable of independent action, and they are causally responsible for things they do.

For the Cree this is an everyday observation. Evidence of intelligence is cited from several sources. One type is that each animal has its own way of living or, as is sometimes said, its own way of thinking. Each responds to environmental circumstances in ways that human beings can recognize as logically appropriate. Each has its own preparations for winter: beavers build complex lodges; bears, dens; ducks and geese migrate. Each also relates to, and communicates with, members of its species. For example, beavers establish three-generational colonies built around a monogamous couple. Geese mate for life and have complex patterns of flock leadership. And inter-species communication is indicated by the intelligent response of animals to the efforts of the hunters themselves. Some beaver will place mud on top of a trap and then eat the poplar branches left as lure and a gift by the hunter. Hunters say their techniques have to depend on how fast an animal thinks. Each animal has special mental characteristics: beaver are stubborn and persistent, bear are intelligent, wolves are fearless, grouse are stupid. Further, animals have emotions and may be "scared" or "mad" when they avoid hunters.

That animals give themselves is indicated in part by their typical reactions to hunters. When a bear den is found in winter, a hunter will address the bear and tell it to come out. And bears do awake, come out of their dens sluggishly, and get killed. That such a powerful, intelligent, and potentially dangerous animal can be so docile is significant for the Cree. The behaviour of moose is also significant. Moose bed down facing into the wind, so that air does not penetrate under their hair. When a hunter approaches from down wind, he comes upon it from behind. A moose typically takes flight only after scenting or seeing a source of danger. It therefore rises up when it hears a hunter approach and turns in the direction of the noise to locate and scent the source. In this gesture, taking ten to fifteen seconds, the moose gives itself to the hunter by turning and looking at him.

The extensive knowledge Cree have of animals becomes, therefore, a basis for their understanding that animals are given. The concept of an animal gift indicates that killing an animal is not solely the result of the knowledge, will, and action of humans, however necessary these are, but that the most important reasons for the gift lie in the relationships of the givers and the receivers. Because animals are capable of intelligent thought and social action, it is not only possible for them to understand human beings, but for humans to understand animals. The actions of animals are events of communication that convey information about intentions. Saying that the animals are gifts therefore emphasizes that the hunter must adapt his hunt to what he learns from and knows about the animals. To see how this works we must examine the Cree world.

## **THE HUNTER'S WORLD**

Because animals are gifts, it is appropriate to ask "Who gives the animal?" and the answer to this question leads us to important features of Cree logic and cosmology. Recurrent answers are that animals do not only give themselves, they are given by the "wind persons" and by God or Jesus.

Just as animals are like persons, so, too, are phenomena that we do not consider to be living. Active phenomena such as winds, water, as well as God and various spirit beings, are all considered to be like persons or to be associated with personal beings. And because all sources of action are like persons, the explanations of the causes of events and happenings are not in terms of impersonal forces, but in terms of the actions of one or more persons. Explanations refer to a "who" that is active, rather than to a "what" (Hallowell, 1955; Black, 1967). The world is therefore volitional, and the perceived regularities of the world are not those of natural law but rather like the habitual behaviour of persons. It is therefore possible to know what will happen before it does occur, because it is habitual. But there is also a fundamental unpredictability in the world as well: habits make action likely, not certain. This capriciousness is also a result of the diversity of persons, because many phenomena must act in concert for events to occur. The world of personal action is therefore a world neither of mechanistic determination nor of random chance: it is a world of intelligent order, but a very complex order, and one not always knowable by men. The Cree world of complex interrelationships is analogous to that of some ecological scientists, although the scientists use an organic rather than a personal metaphor.

For the Cree, the relationship of the wind persons to animal gifts is constantly confirmed by everyday experience. The wind persons bring cold or warmth and snow or rain, and with the coming and going of predominant winds the seasons change. They are responsible for the variable weather conditions to which animals and hunters each respond. The bear hibernates and is docile only in winter when the north wind is predominant. The geese and ducks arrive with the increasing frequency of the south wind and leave with its departure. In a myriad of other ways, the animals and hunters, and the success of the hunt, depend in part on the conditions brought by the winds.

Each of the four wind persons resides at one of the four points of the compass, and each has specific personal characteristics related to particular seasons, weather and animal patterns, hunting conditions, and success. When a hunter is asked by young men and women who have been away to school why he says that the animals are given by the winds, he often answers that they must come and live in the bush to see for themselves. It is demonstrated in the daily and yearly experience of the hunters, and it can be shared with anyone who will spend enough time in the bush.

Parallel discoveries of the relationships of animals, weather, and hunting can be found in hunting lore in our own society. But whereas this knowledge plays a role in our culture of hunting, scientists have devoted limited research effort to it. By contrast, such relationships are centrally important in Cree hunting practice, and they are encoded and highlighted by Cree concepts and in what we might call their science of hunting.

The concepts of the wind persons mediate and link several series of ideas that serve to order the Cree world in space and time. The wind persons are said to live at the four corners of the earth, thereby orienting space on a four-point compass. The wind persons also link God to the world. They are part of the world "up there," but they affect the earth down here. They thus link the spirits and God who are up there to the men and animals who live their lives on the earth.

"God" and Jesus are the ultimate explanation for all that happens on this earth, but He<sup>2</sup> also gives all the personal beings of the world intelligence and will in order to follow His Way, or abandon it. God alone gives and takes life, but beings are ultimately responsible for their actions. God therefore plays a key part in the gift of animals to hunters, but only a part. He is the leader of all things, and He is assisted by the wind persons and a hierarchy of leaders extending to most spirits, animals, and humans. The idea of leadership is persuasive in the Waswanipi world, and the hierarchy of leaders is spoken of as one of power. Hunting therefore depends not only on the hunter and the animals, but on an integrated chain of leaders and helpers acting together to give and to receive animals.

In this chain, human beings fit somewhere in the middle range, closely linked to those both above and below them. Human beings are mutually dependent on animals, who are generally less powerful than humans, and on spirit beings, who are generally more powerful. But the linkages are close and the positions flexible. As Cree myths indicate, some of the less powerful spirit beings were formerly human beings who have been transformed into spirits. Animals themselves used to be "like us," and in the "long ago" time of the legends they could talk with one another and with humans.

## **THE POWER OF HUNTING**

The power of God and humans is manifest in the relationship between thought and happenings in the world. What God thinks or knows happens; His thought is one with happenings and thus He is all powerful. Spirit beings participate in this power to a lesser degree; they know only some of what will happen in the future or at a distance. Their thought and happenings frequently coincide. God and spirit beings may give their powerful knowledge to humans in dreams and in thoughts, and by signs in the world, but they never tell all that humans would like to know. People can often be said to "discover" their understandings rather than create them; and thought or insight may "come to us" as a gift from God and spirits, in waking thought or in dreams. Thinking and prayer may be one. The knowledge that spirits give anticipates the future with some real - but always unknown - degree of certainty.

Humans not only differ from animals by the degree of power they receive, but also from each other. Powerful and effective knowledge increases with age and with the care and attention individuals give to interpreting and cultivating their communications with God and spirit beings. These differences in power and wisdom are reflected in the patterns of leadership within human communities.

The meaning of power in the Cree perspective, therefore, differs in important ways from our own. We typically think of power as the ability to control others and/or the world. For the Cree it is more complex. Human knowledge is always incomplete, and there is often a gap between what humans think and what actually happens. In hunting, for example, a hunter will frequently dream of an animal he will be given before he begins to look for it. He may then go out hunting and find signs of that animal that confirm his expectation. When the things he thinks about actually come to be, when he is given the animal, that is an indicator of power. But humans never find that all they anticipate comes to be. The power is a coincidence between an internal state of being (thought) and the configuration of the world (event), a congruence anticipated by the inner state and that this anticipation helps to actualize. Both the thought and the event are social processes. Power is not an individual possession, it is a gift, and a person cannot in this view bring his thought to actuality by individually manipulating the world to conform to his desires. And, at each phase of happenings in the world, humans, spirit beings, and other beings must sensitively interpret and respond to the communications and actions of the other beings around them. "Power" is a relationship in thought and action among many beings, whereby potentiality becomes actuality. Hunting is an occasion of power in this sense, and the expression of this is that animals are gifts, with many givers. Power in this Cree sense may have analogies to our concept of truth, i.e., thought that comes to be. We might say that power is truth unfolding, rather than that power is control.

This complex understanding of hunting links intimately with basic Cree attitudes toward human life itself. The symbols conveying Cree concepts of hunting also order the Cree understanding of the life and death of animals and of the hunters themselves. The life and ultimate death of both the hunted and the hunters are as enigmatic for the Cree as they are for us. That humans should have to kill animals to feed themselves and their families in order to live and that humans themselves all die are fundamentally mysterious features of life. Both animals and humans participate in the mystery of death, and Cree symbols of hunting elaborate the mystery and bring the wonder of life and death into the world of everyday meanings.

The hunt is conceptualized as an ever-changing cycle at many levels. If a hunter is successful he will bring game back to his camp. Having received a gift, the hunter is under obligation to respect that gift by reciprocating with gifts of his own. These gifts go partly to other Cree, as most large kills are shared with kinsmen, neighbours, or with the community. By giving meat to others they are said to find more animal gifts themselves in return. The hunter also reciprocates to the spirits who have participated in the hunt, often by placing a small portion of the meat into the stove at the first meal of each day, so the smoke of the gift can go up the stove pipe as a sign of appreciation and respect to the spirits "up there." This return offering is part of an ongoing relationship of reciprocity: it not only expresses respect and repays an obligation, it continues the exchange as a statement of anticipation that the hunter will again receive what he wants when he is again in need. Many Cree rituals follow a similar structure.

Hunting is conceptualized as an ongoing process involving a delicate and ever-changing balance. When bad luck occurs, hunters turn their attention to other species, or they hunt in another area until the animals are ready to be caught again. If animals want to be caught and are not hunted, they have fewer young and more easily succumb to diseases or predation. Thus, proper hunting can lead to increases in the numbers and health of the animals. However, if a hunter kills animals that are not given, if he overhunts, then the spirits of that species will be "mad," and the hunter will have no luck. Thus, in hunting, the life and death of animals form a delicate reciprocal process.

The alteration in hunting luck brings us to the last of those meanings of the word "hunting." Hunters say that when

they decrease their hunting they do so in order that the animals may cease being mad and may grow again. Hunting involves a reciprocal obligation for hunters to provide the conditions in which animals can grow and survive on the earth. The fulfillment of this responsibility provides the main criterion by which hunters judge one another. In everyday conversation people speak extensively about the reputations and actions of other hunters. What is emphasized is hunting competence (Preston, 1975). A hunter who masters a difficult skill and through his ties with spirits receives hard-to-get gifts exhibits his competence and participates in power. Men and women who are respected for their exceptional competence are contrasted with those who take chances, who fool around with animals by not killing them cleanly, and who seek self-aggrandizement by large kills or wasting animals. The hunters who consistently have good luck but not excessive harvests also demonstrate competence because they maintain that delicate balance with the world in which animals die and are reborn in health and in continuing growth.

This image of the competent hunter serves also as a goal of the good life. The aims of both hunting and of life are, in part, to maintain a continuing sensitivity to and a balanced participation with the world, in which humans and animals reciprocally contribute to the survival of the other. The aim of life is the perpetuation of an ordered, meaningful, and bountiful world. This aim includes those now alive and those yet to be born. The social universe thus extends beyond the human world, beyond the temporal frame of an individual human life. Such a life leads from an awareness of the mystery of everyday life to the mystery of death, through competence to participate in power.

Hunting is not just a central activity of the Cree, nor is it simply a science or a formal ritual. Hunting is an ongoing experience of truth as power.

## **Hunting Practices: Subsistence Economy, Society and Ecological Management**

Contemporary studies by anthropologists of hunting and gathering peoples can be dated to the mid-1960s when it was "discovered" that the hunting and gathering peoples of Africa and Australia were able to efficiently, abundantly, and reliably produce their own subsistence. This came as something of a revelation to both popular and professional images of hunting life. The hunting way of life was often thought to be precisely the opposite - inefficient, impoverished, and unpredictable. Following these findings, studies of the Cree tended to confirm the application of the new view to Subarctic hunters as well, although with some qualifications.

## **EFFICIENCY, ABUNDANCE, AND RELIABILITY OF CREE SUBSISTENCE HUNTING PRACTICES**

It was found that the hunters do not encounter game on a haphazard basis but that they carefully plan and organize their hunting activities. Hunting is organized into an annual cycle of activities so that each species of game is used at times likely to produce an efficient, abundant, and reliable supply of food.

Cree hunters know how to kill moose at almost any season of the year, but they tend to concentrate their hunting activities at several specific periods during an annual cycle. One period is during the fall mating period or rut, when moose call to attract partners and when they typically feed and drink in the mornings and evenings along the shorelines of streams and lakes. Cree hunters often look along the shores for signs indicating the places that

moose have visited; they then wait or return at appropriate times to call the males to the location. After the rut, moose are not hunted extensively until snows have accumulated to significant depths. As the snow depth increases, the widely dispersed populations progressively concentrate and are often found on the hills where wind blows some snow accumulations thin. When the snow in the concentration areas exceeds one metre in depth, the moose tend to restrict their movements to a series of trails. Under these conditions moose move outside the trails reluctantly. If the moose do take flight, hunters on snowshoes can exhaust them by pursuit, until they stand their ground, face the hunter, and give themselves to him.

A third period of intensive moose hunting occurs in late winter when snow may melt and form a crust. The moose may be able to walk, breaking through the crust with each step, but if they run they tear the skin and tendons of their legs against the jagged edges of the crust. Again, they will often stand their ground and face the hunter.

Cree moose-hunting practices therefore depend on extensive knowledge of the actions of animals in relation to weather, habitat, and the actions of men. Hunting is concentrated on the occasions when moose most clearly give themselves to the hunters and when men can best fulfil their obligations to the moose by killing the animals efficiently and with a minimum of suffering.

As we would expect, the proficiency and knowledge of Cree hunters make their hunting quite reliable. They succeed on about 22 per cent of the days they search for moose, 88 per cent of days spent fishing, and about 50 per cent of days hunting beaver. The efficiency of the various activities was also substantial. The efficiency ratios for moose hunting run from 25:1 to 40:1 - each day of moose hunting provides food for twenty-five to forty active adults for one day, or for a family of four for one to two weeks. Beaver hunting returns average 7: 1, and fishing, 4:1. Overall, Cree winter hunting activity efficiencies average 7:1. Bush food provides hunters' families with 150 per cent of the calories they require, and it provides eight times the daily protein requirement. It also provides more than twice the required intakes of the nine other vitamins and minerals for which calculations could be run. These hunters also took purchased food with them into the bush camps, but the caloric value of bush foods produced was nearly four times greater than the calories available from store food.

Half the food produced is circulated in gift exchanges to kinsmen and friends back in the settlement, and some is kept for later village consumption. Those who give receive back other gifts of food, as well as gifts of other supplies and equipment. Bush food harvests have been estimated in the 1970s to provide from 25 to 55 per cent of the yearly energy needs of the various communities and at least 50 per cent of almost all required nutrients.

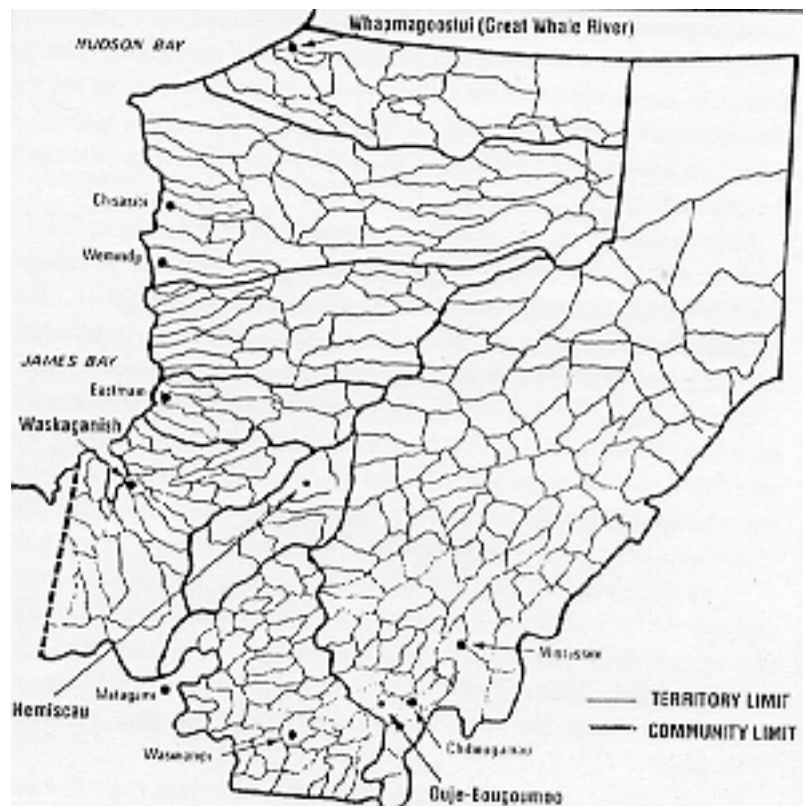
## **THE SOCIAL ORGANIZATION OF HUNTING AND THE POWER TO MANAGE GAME RESOURCES**

The Cree have a distinct system of rights and responsibilities concerning land, resources, community, and social relations - a system of land and resource tenure, and of self-governance. This system provides a means with which the hunters can fulfill their responsibilities to animals and spirits and contribute to the conditions necessary for their mutual survival.

Cree society is organized around principles of community, responsible autonomy, and reciprocity. The central



resources of land and wildlife are not considered to be owned because people are born and die while the land continues. The land is passed on from previous generations and will be transmitted to future generations. The land and the animals are God's creations, and, to the extent that humans use or control them, they do so as part of a broad social community united by reciprocal obligations. These gifts and obligations are not solely individual; they involve the wider human community as well, so that all people have a right of access to land and resources to sustain themselves. This right extends to all Cree, and to others as well, but along with the rights go responsibilities to contribute to the continued productivity of the land and animals. The exercise and fulfilment of such responsibility require knowledge and a subtle responsiveness to the relationships with animals and spirits and imply a willingness to exercise self-control and participation in a community of responsibility.



**Map 1. Approximate Territory of James Bay Cree Hunters**

The Cree are efficient enough at hunting that they could deplete the game. Regulation is both an individual and a community responsibility and is assisted through a system of stewardships. All the land on which they hunt is divided into territories that are under the stewardship of elders. The approximately 300 territories vary in size from about 300 to several thousand square kilometres, each supervised by a steward (see Map 1). They are part of larger blocks, each associated with a particular Cree community. While rights to land and resources are distributed to the community as a whole, as a continuing society extending over generations, the stewards exercise authority over the territories in the name of the community and the common interest. The steward's authority is, in principle, spiritually sanctioned, thus obligating him to protect and share the resources.

In general, all members of a community have the right to hunt on any land on a short-term basis, while travelling through, while camping for brief periods, or while using small game or fish resources. However, extended and intensive use of the larger game resources is generally considered to be under the supervision and approval of the

stewards.

Stewards generally grow up in a territory on which they hunt repeatedly over many years before they take over their role. During this time they build up extensive ties with the spirits of the land and acquire a vast knowledge of its resources. They are constantly aware of the changing conditions of the game populations. They note changes in the frequency of signs of moose, the numbers yarding together, the rates of twin births, and age and sex ratios. For beaver, they note changes in the number and size of colonies, size of litters, and the frequency of abandoned or new colonies. They can easily discuss these trends with an outsider, comparing present conditions with those of last year, the year before, or five years ago.

These trends are important to the stewards, and they discuss them with other stewards and elder hunters, comparing patterns in different territories and relating them to changes in weather, vegetation, and hunting activity. Some of the trends observed by the stewards are the same ones used by wildlife biologists to monitor game populations, although few biologists have such long-term and detailed knowledge. The trends are also important because they are communications from animals and spirits. Thus, if too many animals were killed in the past, the animals would be "mad" and have fewer young or make signs of their presence harder to find. This would indicate that the animals wish to give fewer of themselves, and, out of reciprocal respect, the hunters will take less than in the past.

The stewards use their knowledge to direct the intensive hunting of the animal populations on their territories. Each steward has the right to decide if the hunting territory will be used intensively in any season, how many and which people can use it, how much they can hunt of each key species, and where and when they can hunt. The stewards do not exercise these powers in an authoritarian manner. The responsibility of each hunter is assumed, and each is given respect and considerable autonomy. Stewards usually act by suggestion and by non-personal public commentaries on the situation, and their knowledge, their spiritual ties to the land, and the sacred sanctions for their statements give them considerable influence.

The system is part of the network of social reciprocities. At the individual level, a system of giving privileges to hunters to join groups generally assures that each hunter has a place to hunt each year. For the community as a whole, the system permits the distribution of hunters and hunting to respond to the changes in the conditions of the game populations.

Typically, each steward inherits his position from a previous steward, and he has the duty to designate his successor. This places each steward within a chain of responsible authority that extends backwards and forwards. The land and animals are thus received also as gifts from previous generations, and the present hunters view their own actions as implying the same respect and responsibility to future generations.

In practice, the system of hunting-territory stewardships works to maintain an ongoing balance between harvests and game. This is generally possible for beaver and moose populations, and in some areas for marten. The system can apply to fishing, but communities may instead limit the numbers of fishing sites, the mesh sizes of the nets, and the length of fishing seasons (Berkes, 1977). For goose hunting along the James Bay coast, the Cree recognize adjacent groups of bays as goosehunting territories under a "goose boss" who supervises a complex of hunting

rules and restrictions designed not to scare the migratory geese away prematurely but to encourage their return on successive days and migrations (Scott, 1983).

Several studies supply quantitative evidence that the Cree system does work for the moose, beaver, fish, and geese populations, by keeping harvests below sustainable yields of the game populations. The best indicator of success is the relative stability of the game populations over the two decades during which estimates have been made. These data indicate that the long-term ecological balance sought by the Cree is, in general, maintained in practice. Furthermore, the Cree have been highly responsive to changing environmental and historical circumstances in pursuing a balanced hunt.

Moose began migrating into the James Bay region of Quebec only after vast forest fires swept the area in the last decade of the nineteenth century and the first decade of this century. The Cree had hunting territories prior to this time, and indeed probably had them periodically in the post-contact period and before the arrival of Europeans. The incorporation of moose into the system, however, depended on the development of a sound body of knowledge of moose behaviour and moose population dynamics and on creating effective types of restraints on hunting. Such systems were developed in the areas inhabited by dense moose populations between 1910, when the moose began arriving, and the 1950s, when intensive studies of Cree hunting began.

The Cree system has also responded to important demographic, technological, and economic changes. During this century the Cree have generally maintained viable game populations through a period in which numbers of Cree may have risen five fold. To increase their food production they have intensified and diversified their use of some game populations but have also limited their bush food production to sustainable levels. They therefore now have to purchase a proportion of their food.

The more intensive harvesting has occurred with the aid of important additions to their technological repertoire, including improved rifles and shotguns, new traps, and some new means of transportation. But the use of this technology still depends on Cree knowledge, cultural values, and social practices. The technology, therefore, has not led to over-hunting, but rather to a more secure balance between men and animals. The Cree have also maintained the balance despite periods of a shortage of cash. In such times they have done without some trade goods rather than exhaust animal resources. They have intentionally kept alive many traditional skills and crafts that could replace certain trade goods should these become unavailable. And they have continued to treat cash and trade goods as a socially modified form of property, using them for co-operative ends by integrating their distribution and consumption into the widespread reciprocal exchange practices.

The Cree have thus maintained their hunting and the animals in their region despite important changes in their environment and in historical circumstances. However, rare periods of breakdown in the balance of men and animals have also occurred.

The most serious of these happened in the 1930s, when beaver were severely depleted throughout much of northeastern Canada. This has been variously attributed to epidemic disease, to Native over-hunting, and to non-Native trappers. The reasons may never be known for all regions, and they probably varied from one area to another. In the southernmost portion of the Cree area, non-Native trappers, encouraged by high fur prices, entered

the region from the railway 100 miles to the south, trapped out one place, and then moved on. Some of the Cree from this area say that they themselves trapped out the beaver because they did not see the possibility of maintaining animal populations if non-Native trappers continued to deplete their lands. It is significant that the only species over-hunted in this area were beaver and marten, the ones sought by non-Native trappers. Declining fur prices in the 1930s and the concern of the government for the ensuing plight of the Indians led to a closing of the area to non-Native trappers and a recovery of the beaver under Cree supervision between 1930 and 1950.

This example emphasizes the limits of the means at the disposal of the Cree for maintaining viable long-term balanced relations with animals. Culture and social organization of the Cree are effective aids for their self-governance, but they could not regulate or control the impact of what outsiders do on their lands. Further, where outsiders did not act responsibly and with respect, their activities threatened the animals and the Cree themselves.

The Cree recovered from the impact of the intrusions of the twenties and thirties, but a crisis developed again in the 1970s when the government of Quebec started to build a massive hydroelectric project on their hunting lands. To understand the events of this second crisis, we have to turn from an examination of Cree culture and hunting to an account of Cree-white interactions.

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[Part II: Cree Autonomy in the Face of Government Intervention](#)

[Part III: Cree Autonomy and the Aboriginal Rights Agreement](#)



## **Hunting and the Quest for Power:**

### **The James Bay Cree and Whitemen in the 20th Century**

by

**Harvey A. Feit**

#### **Part II: The Cree Struggle to Maintain Autonomy in the Face of Government Intervention**

##### ***Crises in the Fur Trade and Establishment of Government Presence***

Many Cree today speak of the lives of their parents and grandparents at the turn of this century as being traditional. This century has seen greater change in their lives than earlier ones, primarily because other Canadians have intervened in their lives.

Fur traders have been present in the region since the mid-seventeenth century, and missionaries have visited most trading posts since the mid-nineteenth century; but the arrival of the government characterizes the twentieth century. Although these lands were purchased by Canada from the Hudson's Bay Company in 1870, the government presence was slow to be felt.

In the late 1920s the Quebec government's first intervention in the region occurred when it responded to requests to help solve the crisis created by white trappers. Quebec first made the killing of beaver by non-Indians illegal in the northern regions of the province, and then in the mid-1930s outlawed all killing of beaver. The Cree supported this closure, and some communities reached their own agreements to cease taking any beaver before the government took its decision.

When hunting resumed - after ten to twenty years depending on the region - the response had worked: beaver were numerous, they were no longer "mad," and they wanted to give themselves again. The Cree and the government thus agreed independently on the means and the timing for re-establishing beaver populations.

When beaver harvesting was again permitted, the federal and provincial governments jointly mapped the hunting territories and recognized the Cree stewards, whom they now called tally men, because they were paid an honorarium to tally the number of active beaver lodges on the territory each year. The mapping and appointments were done in the communities at meetings of all the stewards, and the formal system of traplines thus established was clearly based on the already existing system of territories. However, there was a feeling among government agents that the territory system had broken down in part and that a more formal process had to be built into it. Thus, the stewards' annual tally of the number of beaver lodges was used by the government agent to calculate how many beaver could be caught on each territory. The steward would then be asked to allocate the harvest among the hunters he permitted to use his land. The government agents acted as if they were administering for the Cree a system of hunting and management.

For the Cree, the government was recognizing their own system and giving the stewards an additional source of authority that they could use to limit the hunting activities of people from outside their communities, including non-Natives, who often were less responsive to their spiritual and traditional authority. Frequently, what the agents suggested made good sense to the Cree hunters. Nevertheless, with their extensive knowledge of the resource populations, the Cree did not feel bound to follow the advice of government agents, which was based on simply following the trends in the number of lodges. Cree decisions were based on far more extensive knowledge.

In this respect, therefore, an important but not yet fully apparent conflict developed between the Cree and the government. The government thought that Cree hunting was regulated and supervised by government regulations and authority, and that they determined the Cree rights to hunt. The Cree thought the government had recognized their own system of tenure and self-governance.

The final element of the government response to the crisis of the 1930s was to establish a band government structure for each community and to start issuing rations and, later, social assistance. In the late 1930s and early 1940s the federal Department of Indian Affairs sent an Indian agent to each community to establish an official list of band membership - one band for each fur trade post - and to elect a chief and council. It appears that a chief and council system had been adopted in most communities before this time. In any case, a formal election system was now established under the Indian Act, which not only defined the size of the council but also its powers and those of the Minister of Indian Affairs. I have found no reports that the

consequences of coming under the legislation were discussed with the Cree, although most of them describe the Indian agents' initial role as the giving out of surplus clothing and food, which was very much appreciated in the time of shortage. Cree accounts suggest that the band list was seen as a means of signing up for aid. The band council initially appears to have served as a source of information to the agent about who was in need of aid and of what kind, and as a representative group by which individual Cree could petition for assistance.

Nevertheless, these responses also represented a turning point in Cree society. They bound the Cree within the fabric of Canadian political society, law, and economy for the first time, and in circumstances that did not make the potential threats to their autonomy clear. The Cree were still exercising extensive control and autonomy in their hunting culture, but they were now doing so as part of the Canadian polity.

### ***Government Assistance Turns To an Assertion of Dominance***

Government presence in the region accelerated rapidly throughout the 1950s and 1960s as governments sought to "open the North." This involved making the region more accessible in order that its resources could be exploited by southern Canadians; it also involved extending the domains of government administration and authority. These changes were not intended to aid the Cree but to promote the interests of southern Canadians, and programs specifically affecting the Cree were not developed in consultation with them, aiming at their assimilation rather than at support for their culture and economy.

The expansion of the rail and road networks into the southern portions of Cree territory occurred in the 1950s and 1960s, and several mining towns were incorporated at that time. The towns of 500 to 10,000 people each, occupied up to several square miles of land, and each disrupted one or more hunting territories. Their impacts on the Cree were neither foreseen nor considered in the process of planning.

The direct impacts on hunting spread more widely than the land immediately occupied. Hunters said animals became much less calm and less willing to be caught over large areas affected by noise generated by railways, road traffic, and airplanes now frequently traversing the region. Roadway shrubs were kept down by the use of powerful chemical sprays, despite the fact that moose and other game fed on these shrubs, and Cree fed on them. The Cree found several dead and sick animals, became cautious about consuming animals from the immediate vicinity, and successfully petitioned the governments to cease the spraying. Pollution from the mine waste waters and waste sediment ponds was also a problem. The Cree reported frequent finds of dead fish and aquatic animals and changes in the tastes of the animals over large areas.

The extensive Cree use of the environment and their knowledge of it made clear to them the extent of the impacts these developments were having, but no mechanism was established by

governments or the companies to give them a voice in the projects. The meaning of the hunting territory system, upon which the government had built the beaver reserve system, was ignored. That the government did not consider the Cree system of land use and management as a system of land tenure and of rights, and that it did not consider that the government and developers as well as the Cree had mutual obligations, was becoming clear.

These development impacts reached near tragic proportions with the coming of the forestry industry. A pulp and paper mill went into operation in 1965, and its wastes were dumped into streams leading into a major river and lake network. In its initial operations this plant used a process that released a significant quantity of mercury into both the water and airborne effluents. The fact that inorganic mercury could be converted into deadly methylmercury through natural processes was not then known; it was discovered later at Minimata, Japan. In 1970, sampling of fish being sent to the commercial markets revealed that they had levels of methyl mercury beyond those permissible for human safety.

Over the last fifteen years, several research projects have been conducted to determine the sources of mercury in the region, the possible evidence of its impacts on Cree health, and the implications for future use of fishery resources in the region. It was found that mercury levels are naturally high in several geological zones, but that the highest levels were downstream from the pulp mill. The plant has significantly reduced its releases of mercury, which now are slowly being buried by sedimentation. The impacts on people of methylmercury were hard to determine at the standards of scientific proof. However, the evidence is strong that the health of some Cree individuals was affected by the methylmercury.

In the 1970s the government advised the Cree to cease consuming the fish of the region. Because this recommendation itself would have severe consequences for the Cree diet and possibly their health, the Cree insisted on research to establish more precise norms. In 1978 specific recommendations for each affected community suggested a limited consumption of those species of fish with high methylmercury levels. The problem has not been stabilized, however, because of new fears that acid rain may be increasing the leaching of mercury from bedrock into the food chain. An irony for the Cree is that, while the governments improved medical services in the 1940s, within two decades these same governments promoted developments in the region that endangered their health and well-being.

The opening of the region to development projects not only affected the land, it affected the economic choices and pressures on the Cree. When fur prices declined in the 1950s, hunters began to meet the cash shortage by taking summer employment. They chose employment primarily in projects that were compatible with continued hunting, used their bush skills, allowed them to work in Cree groups, and were not organized by industrial time or authority structures.

The taking of these jobs provoked a new crisis. Agents of government saw this as the first step



in an irreversible process of abandoning hunting for wage labour. This fit the common image of hunting as an unreliable, unproductive, and insecure means of living, and one that any rational person would willingly give up for a steady job and wages.

The Cree not only knew differently about hunting, but also about jobs. They had worked transporting goods for the Hudson's Bay Company, only to see the jobs disappear in the 1930s when airplanes came into use, just when they needed the incomes because of declining beaver populations. During their summer jobs in the 1960s they were aware of often being given the hardest work, of being paid lower wages than non-Natives, and of being the first fired. The non-Native sawmills, exploration companies, fisheries, and hunting outfitters for whom they worked were constantly failing or moving.

Government agents, however, operated on the belief, reinforced by our cultural assumptions, that the Cree had begun the transition from hunters to wage labourers. This view fit well with government policies of the period. Having discovered the poverty of many Native people across the country, the government placed emphasis on economic development, defined primarily as a need for jobs. It also fit well with plans to "develop the North" and with ignoring the impacts of those developments on the land and animals.

Government agents began withdrawing social aid and support services in order to speed the transition to wage labour. There was no consultation. These events made clear how the basic need for cash inputs to the hunting economy had made the Cree less autonomous, and how government agents could alter the possibilities of hunting by changing the conditions for receipt of government payments. Although the Cree continued to hunt, the number who did not pursue hunting as their main occupation rose significantly.

Other changes at the posts also influenced this process: the formation of reserves, the construction of permanent settlements, and the establishment of schools. Each of these factors contributed to the shift in economic opportunities, but none was decisive until the crisis in hunting.

Although some schooling had been provided earlier, during the 1960s a significant portion of Cree youths began to attend schools. The government tried to force Cree parents to send their children, sometimes threatening to cut social assistance if they did not. Most parents wanted their children to have some schooling, and an increase in the number of children also affected their willingness to send some to school. The trauma of schooling away from the reserves, in programs not significantly adapted to Cree culture, separated parents from their children in more than a physical sense. The longer children stayed in school the harder it was for parents and children to understand each other. As people saw what was happening, up to one-third of a community's children were kept out of school each year to learn bush skills and the hunting way of life. Thus, the Cree kept some control over the education of their children.

The result was not to limit the continuation of the hunting economy but to diversify the range of skills and interests of the young adults. The effect of schooling paralleled that of the crisis in hunting, creating a need for a more diversified economy, one in which both hunting and employment would be viable activities.

At the time, however, the economic conditions were making both choices difficult. By the early 1970s, real unemployment and underemployment had developed in Cree communities as opportunities for hunting and wage labour were too limited for the population.

This period was therefore one in which the government attempts to integrate the Cree into the labour market met very limited success; they had instead helped provoke an economic crisis. The Cree had moved toward an economy that would have to integrate employment and hunting within their own communities. The conflicts had created economic, educational, and social problems of profound concern to the Cree. However, the process had also created new resources for the Cree's continuing efforts to define their own future. An effect of schooling was to bring a young generation of Cree with high school, and some with higher education, back to the communities and into active roles in social and political life.

### ***Quebec's Search for Power and Cree Opposition to the James Bay Hydroelectric Scheme***

When the government of Quebec announced its plans for hydroelectric development in the James Bay region in April, 1971, it followed its practice of neither involving the Cree in the decision nor examining the impacts of the development on them. When asked about the effects on the Cree and their rights, government spokesmen simply asserted that the project was to be built on provincial lands and would benefit the Native people.

Several young Cree leaders called a meeting of the leaders from each village to discuss the hydro project. The Cree at this time were comprised of eight separate communities and bands having no regional integration or political structure. At the meeting, all were opposed to the project because of the severe damage it would cause to the land and the animals, and to the Cree. In their view, the project was to serve whites, not Indians, who would not benefit substantially. They discussed ways to oppose the project and decided to organize within their own communities, soliciting support also from other Indian groups and from the public at large.

The Cree also attempted to get discussions going with the Quebec government and its crown corporations. They wanted to avoid complete opposition to the project and to see if modifications to plans might reduce its impact. However, the government refused to do anything but inform the Cree as the plans developed. The Cree were left with no choice but to oppose the project (Feit, 1985).

The Cree approached the federal minister to take action based on his trust responsibility for

Indians, but he was reluctant. The Liberal federal government was politically allied with the Liberal Quebec government against a growing separatist sentiment in the province. Ottawa was therefore reluctant to take action that would appear as a federal intervention in provincial affairs. By the end of 1972, the federal cabinet had approved this position and labelled it "alert neutrality."

The Cree decided to use legal means to force Quebec into discussions. Joined by the Inuit of northern Quebec, some of whom lived on one of the rivers to be diverted by the project, in November, 1972, they initiated the longest temporary injunction hearing in Canadian history. Basically, the Native people had to prove that they had a *prima facie* claim to rights in the territory, that the project would damage their exercise of these rights, and that these damages would be irreversible and unremediable. They asked the court for a temporary injunction stopping construction until permanent injunction hearings could be completed.

The court hearings provided a detailed description of the project planned for the La Grande region. A 700-kilometre road was being built north across hunting lands belonging to six Cree communities. Airports and communication infrastructures would be needed as well as construction camps and a new town to house project headquarters. New mines and forestry operations were planned. The La Grande hydro complex involved diverting three major rivers into the La Grande River to increase its flow by 80 per cent. This required four main dams, 130 kilometres of dikes, and eight main reservoirs flooding 8,722 square kilometres (5 per cent of the land surface). The reservoirs would be filled in summer, and the water would be released in winter to produce electricity needed for heating requirements in southern cities; thus, water levels would vary all winter. The construction of power transmission lines would require the cutting of three or four corridors 960 kilometres long through the forest. And all this was envisaged as the first of three phases.

In the Cree view, many of the damages were like those they had previously identified from earlier developments, although now over a much larger area. In addition, the particular effects of flooding were of special concern because about 50 per cent of the wetlands of the region would be underwater, destroying important beaver and game habitat. The number of animals would therefore be significantly reduced, and the variability of water levels in the reservoirs would restrict the ability of many animals, particularly beaver, to re-inhabit the areas. Fish numbers would also decline, and a new balance of species could take up to fifty years to be reestablished in the reservoirs. The vegetation destroyed by construction could take fifty to a hundred years to again become mature forest. In short, they argued that the hunters would suffer a serious and permanent loss of subsistence resources and a major threat to the continuity of their culture and society.

The Cree lawyers then argued that their clients had been exercising rights to the land since time immemorial, including the rights to hunt, fish, and trap, which constituted an Indian title over the land. The case was one of the most important on the concept of Aboriginal rights and Indian title until that time, and it was also one of the strongest such cases.

The governmental lawyers argued that the project would affect only a small percentage of the land directly, that it would improve its productivity in many respects, and that in any case the damages were temporary or remediable. They claimed that the Cree no longer lived primarily off the land, catching only 20-25 per cent of their food. The Cree lived in settlements, had houses, used manufactured clothes and equipment, and now ate purchased foods predominantly. They argued that Cree culture had been substantially transformed and replaced by Canadian culture. They said the Cree were dependent on government financial assistance and support for their settlements. They argued that the use of wildlife, especially beaver, was completely institutionalized by the government as a result of the establishment of beaver reserves. They claimed that a majority of the Cree now derived incomes from employment. Finally, they argued that the Cree had no Aboriginal title to the land, or at most had a right to some monetary compensation and small reserves such as were provided in other treaties made elsewhere in Canada.

In November, 1973, Mr. Justice Malouf ruled that the Cree and Inuit people did appear to have an Indian title to the land; that they had been occupying and using the land to a full extent; that hunting was still of great importance, constituted a way of life, and provided a portion of their diet and incomes; that they had a unique concept of the land; that they wished to continue their way of life; that any interference with their use compromised their very existence as a people; and that the project was already causing much interference. He ruled that the province was trespassing. The ruling was a stronger affirmation of Cree rights than many people had thought would be possible at that time and forced the government to negotiate with the Cree.

To the Cree people in the villages the ruling was a great victory, but it was also a straightforward recognition of the truth - the truth about their way of life and values and about the dangers inherent in development conducted without their involvement and consent. It was also interpreted as a statement of good sense, reaffirming that relations between Cree and non-Natives could be guided by the principle of reciprocity that informs interrelations among all powerful beings in the Cree world (Scott, 1983, 1989). Reciprocity implied mutual respect for the needs and wants of others, ongoing obligations to others, and the possibility of sharing the land responsibly.

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### [Part III: Cree Autonomy and the Aboriginal Rights Agreement](#)



## **Hunting and the Quest for Power:**

### **The James Bay Cree and Whitemen in the 20th Century**

by

**Harvey A. Feit**

#### **Part III: Cree Autonomy and the Aboriginal Rights Agreement**

##### ***Negotiating Recognition of Aboriginal Rights***

The Cree approached negotiations cautiously, despite all the effort they had put into trying to get meaningful negotiations started. They were in a difficult position as they were already experiencing the impacts of development, which had been permitted to continue while Mr. Justice Malouf's ruling was appealed.

Early in the negotiations the Cree formed their own political association, the Grand Council of the Cree (of Quebec) (GCCQ), with the chief and another leader from each community on its Board of Directors, and an executive group of four regional leaders. The Grand Council took over organization of the negotiations. However, the Cree people remained the final decision-makers as to whether to accept the results of the negotiation.

##### ***Components of the Agreement***

With respect to project modifications, the negotiations concluded several changes to project plans.<sup>3</sup> The location of a main dam was changed. Funds were provided for remedial work to be undertaken as future impacts were experienced, and the negotiators described in some detail the project that could be built and agreed to authorize only a project conforming to this description. Because the project was still being planned, this assured that any future changes would require new approvals."<sup>4</sup>

These compromises reduced the direct consequences around the village of Fort George, now relocated to Chisasibi, and assured future participation for the Cree; but they also meant very substantial impacts on the land and wildlife of the region. Despite major efforts by the Cree, no other major project modifications could be agreed upon. The government agreed to recognize the right of all Cree to hunt, fish, and trap all kinds of animals at all times, over all the lands traditionally harvested by them, on the understanding that their harvesting rights would be subject to conservation of wildlife. Conservation was an objective the Cree were pursuing on their own in any case, and they were careful to get an agreement on a definition that recognized their own needs.

In addition, it was agreed that Cree harvesting would take precedence over sport hunting and fishing by non-Natives. This priority was given effect through a series of measures, including exclusive hunting areas and species. Approximately 16 per cent of the land area of the region was set aside for exclusive Cree use, an area called Category II lands. From the government point of view the Cree recognition of the principle of conservation and of some non-Native access to wildlife made the provisions acceptable. From the Cree point of view the government recognition of their rights and of their priority of access to wildlife made the provisions acceptable.

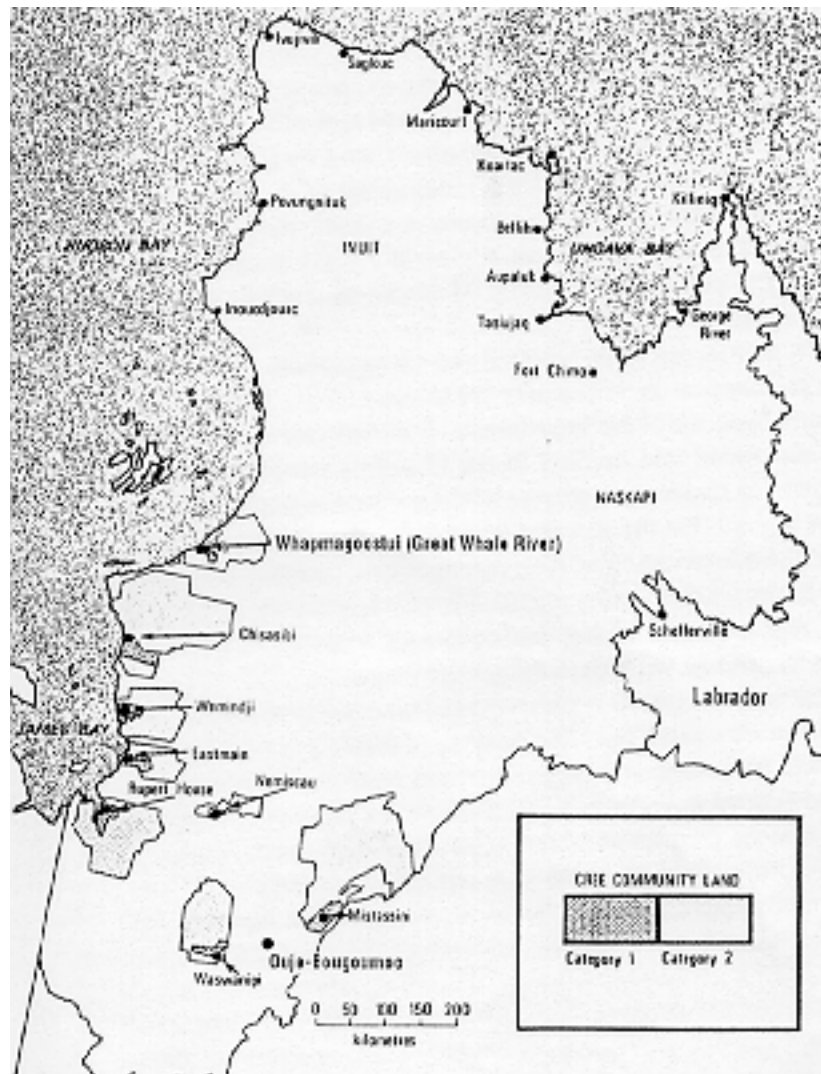
Differences then arose over whether the governments or the Cree would have jurisdiction to implement these provisions. Whoever did would be bound by terms of the negotiations. But these provisions would have to be interpreted and applied to the changing conditions in the region each year, as game populations shifted and hunting activities varied. The Cree argued that the fact that game existed in the region today demonstrated the effectiveness of their management, and they claimed a right to manage the wildlife of the region. The representatives of Quebec and Canada argued that existing parliamentary legislation gave the responsibility to manage wildlife to the governments.

This conflict was resolved through two procedures. It was agreed that all parties would recognize the Cree system of hunting territories and that there would be a minimum of government regulation. Second, the provincial and federal governments would exercise legal authority and enforcement powers over most of the region, but only after receiving the advice of a coordinating committee composed equally of Native and government appointees. On the areas reserved exclusively for Native people, the Cree governments would act with the advice of the committee.

Both the Cree and the governments agreed that development had to be controlled. The Cree did not oppose all development, envisioning sharing the land with non-Natives, but they wanted the right to decide on whether specific projects should be permitted to go ahead, and if so under what terms and conditions. The governments argued that they had the right to final decisions authorizing future developments, and they wanted to avoid a situation in which the Cree could tie up a project in the court. The conflict over this issue was direct and not fully resolvable.

The insistence of the governments that the region be open for development limited the land base upon which the

Cree could negotiate. The province took the position that land under Cree control should be limited to areas immediately around the settlements and to the adjacent hunting locations. The greatest amount of land the province would transfer to Cree control, Category I lands, was only 5,500 square kilometres, of the approximately 375,000 square kilometres region.



### Division of Cree lands Under the James Bay & Northern Development Agreement

The Cree sought in the negotiations to reduce their dependence on governmental authority and administration and to take more control of their own affairs through increased self-government. They therefore sought regional autonomy and self-determination through the formation of distinctive, ethnically defined governments and boards, which would assure Native control and administration of their affairs under the legal provisions established in the negotiations. This pattern was generally acceptable to the governments because it transferred the Cree from federal to provincial jurisdictions, and because Quebec was also prepared at that period to accept the decentralization of responsibility to regional boards and governments.

At the community level, the Cree got agreement that there would be special legislation for a Cree-Naskapi Act, extending the powers of their band councils as new community governments and replacing the provisions of the existing Indian Act.

The Agreement in Principle, reached after eight months of negotiation, was discussed periodically in each of the Cree communities, where the provisions were outlined in detail. People did not consider the draft agreement to be fair or just, but thought it would increase their chances of maintaining their culture, society, and economy, given the alternatives. The outcome was summarized by Chief Billy Diamond of the Grand Council of the Crees, in his speech to the press, announcing that all Cree communities had accepted the Agreement in Principle:

The Cree People were very reluctant to sign an Agreement in Principle. However, after many meetings and many hours of meetings, the Grand Council of the Crees has received a mandate to sign an Agreement in Principle with the Quebec Government.... We feel, as Cree People, that by coming to an Agreement in Principle, that it is the best way to see that our rights and that our land are protected as much as possible from white man's intrusion and white man's use. We have always said that we wanted to maintain our way of life. We have always said that we want to pass the land on to our children.... We believe that even though we practised the traditional way of life, the aboriginal way of life, we believe this agreement supports and strengthens the hunting, fishing and trapping rights in/over all of the territory, and restricts non-Native activity in that area. By the proposed agreement, we feel we have removed the worst effects of the Project to our way of life and the Cree People.... I hope you can all understand our feelings, that it has been a tough fight, and our people are still very much opposed to the project, but they realize that they must share the resources. That is why we have come to a decision to sign an Agreement in Principle with the Quebec Government. (Diamond, 1977)

### ***Implementing the Agreement and Enhancing Cree Autonomy***

A definitive account of the results of the James Bay and Northern Quebec Agreement (JBNQA) cannot be made. The processes of implementing the agreement have been long and complex, and although the process has already extended over two decades, the outcome is not fully known. Nevertheless, I would emphasize four general aspects: (1) the agreement has considerably aided Cree hunting; (2) it has strengthened the Cree socially and politically; (3) government respect and support for the agreement have been mixed and uneven; (4) the Cree are more autonomous now than before the agreement, but real threats to Cree autonomy remain.

The protection and recognition of Cree hunting rights and the provision of income security payments for Cree hunters have enhanced the perceived viability of hunting as a way of life, and the participation of Cree in hunting has intensified. In 1975, about 700 families or single adults were hunting as a way of life. The number of intensive hunters increased following the agreement to approximately 900 and has since risen to about 1,200. Many of those initially taking up hunting were people who had been driven away by the difficulties of the 1960s and early 1970s. But those joining more recently are predominantly young adults, just starting careers as intensive hunters. The time spent in hunting camps has also increased, and the average number of days intensive hunters stayed in the bush hunting during a year increased by about 25 per cent after the income security program was begun. Most of these families now live seven months or more in bush camps.

The increased number of intensive hunters and the increased time they are spending in bush camps present complex challenges to the stewards of hunting territories, who want to assure these changes do not result in



disrespectful over-hunting of game. In the initial year after the JBNQA, harvests of the most intensively used wildlife - geese, beaver, and moose - increased significantly. Stewards responded quickly to the dangers. They spoke widely of the problems in the villages, and re-organized their own hunting groups accordingly. By the second and third years geese and beaver harvests had returned to earlier levels. Moose and caribou harvests, which had initially increased the most (by 72 and 40 per cent, respectively), were no higher than earlier levels by the third year after the agreement. This adjustment of Cree hunting to a significant and rapid increase in the numbers of hunters and the length of time people spent in bush camps was a dramatic test and confirmation of Cree conservation practices.<sup>5</sup>

In terms of changes in social relations, several commentators anticipated that the increased cash available to both hunters and to the growing number of employed Cree might result in widespread increases in the independence of individual nuclear families and in reduction in extended social relations and reciprocity. They also thought there might be a change of hunting territories into forms of private property, as opposed to being a system of socially sanctioned stewardship of lands. These changes have not in fact occurred.

All sectors of Cree society maintain a high value and a strong preference for locally produced "bush foods." The desire for bush foods reflects the specialized knowledge, skill, and work that go into the harvesting of food animals and the recognized nutritional and health benefits of a fresh bush food diet. While hunters adjusted their harvesting effort after the agreement so as not to over-hunt intensively utilized game populations, they increased their harvests of some small game populations that would not be endangered by increased harvests. Increases in these harvests meant that the majority of families who hunt intensively not only have sufficient bush foods for their own needs, they continue to do the work necessary to make additional harvests of foods that they give to kin, friends, and those who do not hunt so intensively.

Access to hunting territories continues to be provided by invitations from hunting stewards, and the growing numbers of hunters are generally being accommodated through extended and friendship networks. Customary stewardship therefore continues to express social responsibility and mutual aid despite considerably more intensive use of lands (Feit, 1991).

In a society in which animals are sacred and labour is highly valued and a source of respect, social exchanges of bush foods and access to hunting lands are highly valued. The gifts of bush foods are a sign both of the continuing value of those foods and of the value of the social bonds that motivate the distribution and are confirmed by it. The fact that such exchange is less of a material necessity today highlights its social value.

The rapid increase in the Cree population has meant that while the number of intensive hunters has stabilized in recent years, the total population continues to grow, so that now less than half- between one-quarter and one-third - of the adult resident population are intensive hunters. Almost all other Cree hunt, but on a variety of arrangements. Extensive linkages exist between families living most of the year in the settlements - and who hunt in evenings, on weekends, school breaks, and holidays, and between jobs - and those kin and friends who live most of the year in bush camps and for whom hunting is their primary activity. Those in the settlements often provide equipment and cash for those in the bush, while the latter provide access to the hunting camps and lands, advice and knowledge of hunting conditions and regular gifts of food to those who live most of the time in the settlement. Hunting is critical to

the identities and relations of nearly all Crees, and it binds together the diverse sectors of the communities.

Thus, even when much of the population works for wages and only hunts a part of the time, it is still the case that access to land and wildlife is provided through social reciprocity, not through market exchanges or individualized ownership. Hunting continues to be embedded in social and spiritual meanings and organization. Rather than cash and market conditions leading to an attenuation of social relations, hunting reciprocity continues to re-create wider social relationships, which are dominated by a desire to enhance a collective local autonomy in the face of the market forces that might otherwise transform Cree society.

Social linkages are also expressed in the growth of more formal community-based decision-making institutions. Under the agreement and the supplementary Cree-Naskapi Act, the Cree took over formal control of the many organizations that provided services in their communities, including school boards and health and social services boards. Initially, the organizations were taken over more or less in the form, and with the staff, that they already had when run by the governments. There was little time to make changes other than to transfer formal control, even though the agreement gave many boards enhanced powers.

With few Crees having the professional training to staff the service organizations in 1975, and with those Crees with experience in policymaking and governance of bureaucracies stretched to do all that was needed, it was not a surprise that changes to the policies, programs, and structures of the organizations were slow to develop. But Crees have got training on the job by doing the work alongside those with experience, and over time effective Cree control has grown and the policies and programs have become increasingly innovative (Salisbury, 1986).

At the same time, the Cree decision-making, which was initially centralized in the Cree regional government structures, has been devolving to local governments and administrations. In the villages, more and more school and health committees composed of local Cree users have started to play decisive decision-making roles. The result has empowered local people and provided them with enhanced skills and experience. Recently, various committees are beginning to ask how they should restructure the basic organizations themselves. These initiatives involve examining how distinctly Cree ways of working and relating can be structured into large organizations.

These processes have not been smooth or easy, and numerous mistakes have been made along the way. Nevertheless, the overall process has showed how an effective self-government can be established, even under difficult circumstances, where there was no time for advanced planning or proper preparation.

This process has also had important benefits for Cree community economies. The Cree takeover and expansion of the administrative services and programs have considerably increased employment opportunities in the communities. The thirty or so Cree who were fully employed as administrators before the agreement have been expanded to some 800 administrators and supposing employees. As more Cree develop the professional skills to replace additional non-Native teachers, nurses, and administrators, this number will grow.

It is clear, however, that the number of administrative positions will be insufficient to employ fully all those Cree in the rapidly growing population who do not hunt as a way of life. The Cree have therefore recently begun to emphasize the creation of Cree economic enterprises, especially in the communities. Such enterprises must be

planned carefully, and they will develop slowly, partly because of systematic obstacles to their full participation in the regional resource-based economy from governments and large corporations. The structures the Cree are developing in this process frequently combine elements of modern business practices with structures adapted from Cree hunting society.

The economic development provisions of the agreement have not to date greatly benefited the Cree. Nor has the hydroelectric project contributed systematically to community-level economic development within the Cree villages. The economic benefits of the project have been directed to southern urban centres, and even the benefits for non-Cree inhabitants of northern Quebec have been less than expected. As a result there is a continuing high level of unemployment and underemployment in Cree villages.

Indeed, nearly all of the monetary provisions of the agreement have suffered negligence on the part of governments, and in some cases explicit subversion.<sup>6</sup> When the first major parliamentary review of the implementation of the agreement was conducted, five years after the signing in 1981, it was clear that the federal government had neither budgeted any special funds to meet its new obligations under the agreement, nor had established any agency with responsibility for overseeing its role in the implementation processes. As a result of this review several initiatives were undertaken. In 1984, after three additional years of negotiation, the Cree-Naskapi Act was signed and passed into law, establishing local self-government for Cree (and adjacent Naskapi) communities, thereby fulfilling one of the obligations from the 1975 agreement.

As part of this supplementary negotiation a separate funding agreement was to be signed. It was a five-year accord that specified the basic annual financial obligations of Canada toward Cree governments, and set out arrangements for annual adjustments over succeeding years based on inflation and costing experience. The signing of the Cree-Naskapi Act provisions and the funding agreement (or Statement of Understanding, as it was called) were formally concluded at a Cree Annual General Assembly in the village at Eastmain in 1984. At the signing, questions about the federal government's commitments were raised by Chief Billy Diamond, who was wary of the failure of both the Canada and Quebec governments to meet earlier obligations. Before signing he said to the Minister of Indian Affairs and Northern Development, Douglas Frith:

"I just wanted to make - to ask - one final point.... There was supposed to be five year block funding for the Cree-Naskapi Act.... and the Deputy Minister has refused to sign the Statement of Understanding in respect to the funding. Will the Minister now sign that Statement of Understanding and *commit the federal government* to those figures that were negotiated and arrived at; or will the Minister direct his Deputy Minister to sign on it? If they will not sign, will the Minister sign before September 1 st, so that at least we are guaranteed continued funding for the next four years? . . ."

The Minister responded, "I was prepared for this Chief Diamond, and show me the piece of paper and I will sign."<sup>7</sup>

Then the agreements were signed and the Minister handed over to the Crees the initial cheques for the cost of the first year of operations of the new Cree governments.

Despite this accord, strong disagreements arose over the funding for succeeding years. These differences centred on whether or not the agreement was binding on the government of Canada.<sup>8</sup> The Cree believe the agreement provisions are binding. The Department of Indian Affairs and Northern Development representatives stated at public hearings in October, 1986, that the government of Canada "does not recognize [the Statement of Understanding] as a fully binding undertaking."

The disagreement was reviewed by the Cree-Naskapi Commission, the independent organization set up to report every two years to Parliament on the implementation of the Act. They reported:

Having carefully considered the above facts and evidence, the Commission is of the opinion that the Statement of Understanding is both a moral and a legal obligation of Canada. Moreover, the Commission considers that Statement the principal fiscal arrangement which ties both Canada and the Cree and Naskapi nations to their financial obligations. The evidence is substantial and convincing....

It is difficult to believe that a federal department responsible for negotiating and implementing self-government arrangements with Indian nations, and charged with improving their conditions, could persistently misinterpret a negotiated arrangement of this nature. The Department's attempt to circumvent clear obligations . . . is - unjust, and must not be allowed to continue. Such actions cannot be dismissed as merely an honest difference of opinion. (Cree-Naskapi Commission, 1986)

Similar attitudes and actions prevail in governments with respect to the exploitation of the natural resources of the territory. The governments of Quebec and Canada have repeatedly tried to avoid the obligations they have toward the Cree, and to the wider public, in the interests of facilitating large-scale projects that primarily meet the interests of private and public corporations.

Two major phases of hydroelectric exploitation are still planned in the James Bay region, the Great Whale River (GWR) project, and the Nottaway-Broadback-Rupert rivers (NBR) project (McCutcheon, 1991). The Cree continue actively to oppose both, with increased sophistication and with some surprisingly effective results.

The former project is at the stage during which environmental and social impact assessment is being conducted prior to the decision on whether authorization will be given to Hydro-Quebec to proceed. The initial position of Quebec and Canada was that the government of Canada did not have to conduct an environmental social assessment of the project before authorizing those aspects under federal jurisdiction, a view that explicitly abrogated provisions in the agreement as well as other federal legislation. The Cree took Canada and Quebec to court, and in 1991 the Federal Court of Canada ruled that the governments were attempting to circumvent and "free themselves from [their] duties and responsibilities." In another ruling by the Federal Court of Appeal the judge reminded governments that the JBNQA "was signed in good faith for the protection of the Cree . . . , not to deprive them of their rights" (quoted in Orkin and Hazell, 1991).

Unfortunately, these are not the only cases of governments unilaterally abrogating their obligations, and the Cree have been to courts on numerous occasions to try to force either Quebec or Canada to meet specific commitments or mutual understandings. The court processes are extremely time-consuming and costly, and therefore the

outcomes are not fully successful.

But the pattern of government subversion of agreements, while not universal, is sufficiently widespread that it is a significant feature of the implementation process. One must assume that the governments have repeatedly chosen this type of action because they believe that the issues are so complex, and the processes are sufficiently drawn out, that public outrage will be muted and the public will forget.

Thus the struggles for public support are continuing to be fought in diverse arenas, ranging from Quebec City and Ottawa to New York and The Hague. At the same time, the proposed expansions of hydroelectric development have already begun to affect the Cree dramatically. For example, because the NBR project was initially expected to be built in the 1990s, and because there was a serious over-utilization of forests and wildlife further south in Quebec, an acceleration of the commercial cutting of forests and of the sport hunters' harvests of wildlife in the areas that would have been flooded was allowed and encouraged by Quebec, despite Cree opposition. Once the activities were established, the overexploitation then spread throughout the James Bay region, even though the NBR project has been delayed by at least a couple of decades. These levels of resource use in northern Quebec are not sustainable, and they can only delay for Quebec as a whole the crisis caused by such exploitation. But the destructiveness of the ongoing exploitation of the region is being suffered now by the Cree.

Under the agreement forestry development was to be reviewed through Cree input to Quebec government forestry management plans. In practice, Cree input has not been sought at critical stages of the planning, and long discussions have not resulted in any significant modification to forestry practices or plans in the region. As a consequence of Quebec denials that forestry clear-cutting has a significant impact on the Cree, it has permitted forestry companies to cut without regard to the Cree hunting territory system. The scale of this exploitation now threatens some of the Cree traplines as effective hunting and conservation units. Several hunting territories have already been cut by over 40 per cent, and the cut on one trapline is already 80 per cent of the formerly commercially forested land (Beaulieu, 1993). This crisis continues to accelerate with the years. The rapid forestry development, as well as significant increases in non-Cree harvests of wildlife,<sup>9</sup> directly threatens the Cree use of lands and the fabric of Cree society and economy.

Therefore, even the gains made by the Cree with the JBNQA are constantly under threat. While many of the most important provisions of the agreement have been respected by governments, the erosion that has occurred is significant, and the threats to the Cree are unabated.

### ***Conclusions: Continuing Resistance***

The autonomy of the Cree communities has clearly been enhanced by the strengthening of the hunting economy and society, by the greater control of Cree government, services, and resources, and by their ability to initiate political, legal, and administrative action.

The need to continue the struggle for autonomy - and to enhance that autonomy in the face of government attempts to erode Cree power and rights - is also clear. The Cree now face several major threats. For one, the cash and natural resources available to the Cree under the agreement have proven inadequate. The Cree find they cannot

invest funds for future generations and have sufficient incomes to meet the administrative, social, and economic development needs of the population. What looked like large sums are very modest in relation to the costs of social and economic development and self-government. The need for increased local economic development is urgent.

In addition, the large-scale resource exploitation projects are continuing on Cree lands. Future phases of hydroelectric development have been delayed but not abandoned, and forestry is having a massive impact. The limited regulation of resource development, known to be a problem when the agreement was signed, is becoming a major future threat to the revitalized hunting sector.

While the Cree have clearly come through the events of the last two decades a united people, more autonomous and better able to achieve their goals, it is also clear that their relationship to the governments and project developers is an ongoing problem. The process has strengthened the Cree ability to confront the problems that threaten them, but it has not fundamentally resolved those problems or provided a mutually acceptable new relationship between the Cree and the governments. The Cree hunters have hoped for a new relationship with Euro-Canadians, based on mutual respect for each other's needs, or a reciprocal and responsible sharing of the land and resources, and on a real process of communication and understanding. They are still waiting.

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### [Recommended Reading and Additional References Cited](#)