

Sainte-Foy, le 21 novembre 2005

Monsieur Pierre Corbeil
Ministre
Ministère des Ressources naturelles et
de la Faune
5700, 4^e Avenue Ouest, A 308
Québec (Québec) G1H 6R1

Objet : Évaluation du fonctionnement des groupes de travail conjoints (GTC)

Monsieur le Ministre,

Je vous écris au nom du Conseil Cris-Québec sur la foresterie (CCQF) pour vous entretenir de la problématique du fonctionnement des groupes de travail conjoints (GTC) et de la nécessité que les représentants du ministère des Ressources naturelles et de la Faune ainsi que du Grand Conseil des Cris (Eeyou Istchee) s'entendent et prennent les mesures requises pour encadrer et supporter ces groupes dont le rôle est crucial dans la mise en œuvre de *l'Entente concernant une nouvelle relation entre le gouvernement du Québec et les Cris du Québec*.

Comme vous le savez, les membres des GTC sont ceux et celles qui doivent traduire dans la réalité de tous les jours les intentions des parties signataires de l'Entente. Ils sont en fonction depuis maintenant trois ans et ont une bonne compréhension des difficultés inhérentes à l'application journalière de l'Entente. Le Conseil a établi, comme étant l'une de ses priorités d'action pour l'année 2005-2006, de faire l'évaluation du fonctionnement des GTC. Pour ce faire, nous avons procédé à une analyse rigoureuse de la situation et voici les principaux constats et les recommandations auxquels sont arrivés les membres du Conseil.

D'abord, nous avons constaté avec plaisir l'engagement total des personnes qui sont membres des GTC qui sont toutes désireuses de contribuer au mieux à la mise en œuvre du régime forestier adapté. En aucun moment au cours de notre évaluation nous n'avons constaté des conflits entre membres ou de la mauvaise volonté à accomplir les mandats qui leurs sont dévolus en vertu de l'Entente. La problématique est beaucoup plus d'ordre structurel en termes d'encadrement et de support pour interpréter et réaliser les tâches qui leur sont confiées.

À la suite d'un exercice exhaustif d'évaluation des principales fonctions et responsabilités des GTC, les parties se sont entendues le 7 décembre 2004 concernant un certain niveau de ressources humaines et financières pour assurer le fonctionnement

adéquat de chacun des GTC. Nous constatons que les membres des GTC, autant les représentants du gouvernement que ceux des Cris, n'accordent pas le temps convenu par les parties pour l'exécution du mandat décrit à l'Entente. En effet, plusieurs membres partagent leur temps de travail à des fonctions autres que celles assignées aux GTC. Pratiquement tous les membres des GTC font des tâches connexes et, pour certaines équipes, cela cause un important problème de fonctionnement. L'ampleur des tâches liées aux responsabilités des GTC s'élargit, particulièrement avec l'élaboration des futurs PGAF, et il est évident que des mesures doivent être mises en place à court terme par les parties pour corriger la situation. Nous demandons donc aux parties de s'entendre sur une procédure de suivi de la disponibilité des membres de chacun des GTC afin de s'assurer qu'ils soient affectés aux tâches requises à l'accomplissement de leur mandat selon le niveau de ressources établi conjointement.

Une particularité intéressante de l'Entente est à l'effet qu'elle accorde aux GTC une autonomie vis-à-vis le Ministère ou le Grand Conseil des Cris ainsi qu'entre chacun des GTC. Bien que les parties aient nommé des coordonnateurs qui les représentent de part et d'autre, les responsabilités et les tâches de ces derniers n'ont jamais été décrites et, qui plus est, aucune relation d'imputabilité n'a été établie entre eux et les GTC. Conséquemment, nous constatons peu d'encadrement de ces groupes et aucune mesure d'imputabilité n'est définie. Le ministère en région et les conseils de bande n'assument que partiellement cette responsabilité d'encadrement mais encore là, sans modalités bien définies. Par conséquent, chaque groupe doit lui-même convenir de son mode interne de fonctionnement et, lorsque des questions ou besoins se posent, chacun doit chercher réponse auprès de son coordonnateur ou de toute autre source d'information. Tout en reconnaissant la nécessité de maintenir un lien efficace avec le ministère en région et les conseils de bande, le Conseil recommande aux parties de s'entendre et de clarifier, à très court terme, l'ambiguïté de cette situation en définissant les rôles et responsabilités de même que les liens d'imputabilité entre les coordonnateurs et les membres de chacune des parties des GTC.

Les membres des GTC ont maintenant près de trois ans d'expérience quant à l'application du régime forestier adapté tel que prévu à l'Entente. Bien que la majorité des membres des GTC considère avoir une bonne compréhension des modalités de l'Entente, ils nous ont fait part du fait que la compréhension de leur mandat ou de l'application de certaines dispositions de l'Entente pouvait varier d'un groupe à l'autre et d'une partie à l'autre. Ils déplorent ne pas disposer d'outils ou de formation qui faciliteraient une meilleure compréhension de l'Entente et de sa mise en œuvre sur le terrain. Sans nécessairement entrer de manière exhaustive dans cette problématique, le Conseil est d'avis qu'il est maintenant temps pour les parties de statuer sur les modalités de l'Entente qui causent des problèmes d'interprétation et d'application. Ce travail devrait fournir, à court terme, les outils nécessaires aux GTC pour exécuter leur travail adéquatement. Un échéancier à cet effet devrait être établi par les parties dans les meilleurs délais.

Les bénéficiaires des contrats d'approvisionnement et d'aménagement forestier sur le territoire d'application de l'Entente devraient recevoir bientôt les instructions nécessaires à la préparation des plans généraux d'aménagement forestier (PGAF). Le Conseil considère cette opération comme incontournable pour s'assurer que les modalités associées au régime forestier adapté soient prises en compte et permettre ainsi d'atteindre les objectifs qui sont au cœur de l'Entente. Il nous paraît essentiel que le processus qui sera mis en place pour élaborer les PGAF fasse en sorte que les

préoccupations et intérêts des trappeurs cris seront pris en compte dès le début de l'exercice de préparation des plans. Nous référons ici à un processus qui favorise la participation active de la partie crie plutôt que de la consultation après le fait. La préparation de ces plans est donc une occasion privilégiée de procéder à priori à une harmonisation des activités sur le territoire. À posteriori, si la planification quinquennale est bien faite, elle devrait atténuer considérablement les griefs des intervenants, particulièrement lors de l'élaboration des plans annuels d'intervention forestière (PAIF).

Les GTC auront à jouer un rôle critique dans cette opération d'envergure qu'est la préparation des PGAF. Le Conseil recommande aux parties de tout faire pour que les membres soient bien préparés pour assumer ces nouvelles responsabilités. Il nous apparaît tout aussi essentiel que les parties informent les intervenants qui seront impliqués dans cette importante opération des nombreuses modalités prévues dans la section crie et dans l'OPMV no11 (Objectif de protection et de mise en valeur du milieu forestier) des instructions qui sont spécifiques au territoire couvert par l'Entente. À cet effet, le Conseil a transmis le 21 novembre 2005 un avis au Ministre sur le contenu des instructions portant de manière prioritaire sur ces deux sujets et espère que ses propositions seront considérées dans la version finale des instructions envoyées aux bénéficiaires.

En terminant, vous trouverez ci-joint le rapport du Secrétariat du CCQF sur l'évaluation du fonctionnement des GTC lequel a été entériné par les membres du Conseil lors de leur dernière réunion. Vous y trouverez trente-deux recommandations visant à améliorer la situation. Le Conseil recommande la création d'un groupe de travail formé de représentants des deux parties et appuyé par le Secrétariat du Conseil afin de développer un plan d'action, dans les meilleurs délais, pour donner suite au rapport et assurer le support requis par les membres des GTC. Dès que la nomination des représentants aura été confirmée par les deux parties, le Secrétariat du Conseil démarrera les travaux du Groupe de travail et vous fera rapport des résultats.

Veillez agréer, Monsieur le Ministre, l'expression de mes sentiments les meilleurs.

Le président du Conseil,

Jean-Pierre Gauthier

p.j.

Sainte-Foy, November 21st, 2005

Mr. Matthew Mukash, Grand Chief
Grand Council of the Cree (Eeyou Istchee)
2, Lakeshore Road
Nemaska,
James Bay (Québec) JOY 3B0

Subject : Assessment of the operation of the Joint Working Groups (JWG)

Dear Grand Chief,

I am writing to you on behalf of the Cree-Québec Forestry Board (CQFB) to address the problem of the operation of the Joint Working Groups (JWG) and the necessity that the representatives of the ministère des Ressources naturelles et de la Faune as well of the Grand Council of the Crees (Eeyou Istchee) agree upon and take proper action regarding the supervision and support of those groups whose role is of the utmost importance in the implementation of the *Agreement concerning a new relationship between le gouvernement du Québec et les Cris du Québec*.

As you know, the members of the JWGs are those who must adapt to daily life the intentions of the signatory parties of the Agreement. They have been in office for three years now and have a good understanding of the difficulties inherent to the daily implementation of the Agreement. The Board set the assessment of the operation of the JWGs as one of its action priorities for the year 2005-2006. To do so, we have conducted a rigorous analysis of the situation and here are the Board members' main findings and recommendations.

First of all, we were pleased to realize that the persons who are members of the JWGs are totally committed to their work and are all anxious to contribute to the best of their abilities to the implementation of the adapted forestry regime. We did not, at any time during the course of our assessment, encounter any conflict between members or any lack of goodwill in fulfilling the mandates vested in them under the terms of the Agreement. The problem is much more of a structural nature in terms of the supervision and support needed to interpret and carry out the tasks they have been assigned.

Following a comprehensive assessment exercise of the main duties and responsibilities of the JWGs, the parties agreed on December 7th, 2004 upon the level of human and financial resources required to ensure proper operation of each JWG. We observe that neither the representatives of the government nor those of the Crees of the JWG are assigned the amount of time agreed upon by the parties to the mandate described in the Agreement. Indeed, several members devote their work time to other duties than those

assigned to the JWG. Almost all JWG members must carry out related duties and it causes an important operation problem to certain groups. The magnitude of the duties related to JWG responsibilities is increasing, especially with the development of the future GFMPs, and it is obvious that the parties must implement measures in the short run in order to correct the situation. We thus ask the parties to agree upon a follow-up procedure on the availability of each of the JWG members in order to ensure that they are assigned the jointly agreed upon time to the duties required in the Agreement.

An interesting particularity of the Agreement is that it grants the JWGs autonomy towards the Ministère or the Grand Council of the Crees (Eeyou Istchee) as well as among themselves. Even if the parties have assigned coordinators who represent them on either side, their duties and responsibilities have never been defined, and furthermore no accountability relation has been established between them and the JWGs. Consequently, we observe little supervision of these groups and the absence of any defined accountability. The Ministère's regional offices and the band councils only assume part of this supervision responsibility but always in the absence of well-defined modalities. Thus, each group must agree on its own internal mode of operation and when questions or needs arise, each must call on its coordinator or any other source of information for an answer or a solution. While recognizing the need of maintaining an efficient link with the regional offices and the band councils, the Board recommends to the parties to agree upon and clarify, in the very short run, the ambiguity of this situation by defining the roles and responsibilities along with accountability links between the coordinators and the members of each of the JWG parties.

JWG members now have nearly three years of experience with regard to the implementation of the adapted forestry regime as provided for in the Agreement. Even if the majority of the JWG members consider that they have a good understanding of the modalities of the Agreement, they told us that the understanding of their mandate or of certain provisions of the Agreement could vary from one group to the other and from one party to the other. They deplore not having access to tools and training that would facilitate a better understanding of the Agreement and of its implementation in the field. Without necessarily dealing with this problem in a comprehensive way, the Board is of the opinion that it is now time that the parties rule on the modalities of the Agreement that cause interpretation and implementation problems. Doing this would provide, in the short run, the tools the JWGs require to carry out their work properly. The parties should set a schedule for such an exercise on a fast-track basis.

The holders of timber supply and forest management agreements in the territory of the implementation of the Agreement should soon receive the instructions required for the preparation of the general forest management plans (GFMP). The Board considers this operation as a must to ensure that the modalities related to the adapted forestry regime be taken into consideration and thus enable reaching the objectives that constitute the core of the Agreement. We consider essential that the process that will be set up to develop the GFMPs include Cree trappers' interests and concerns from the very start of the plan preparation exercise. We are referring here to a process that fosters the active participation of the Cree party rather than a consultation after the fact. The preparation of these plans is thus a privileged opportunity to proceed a priori to a harmonization of the activities in the territory. After, if the five-year planning is well done, it should substantially appease the stakeholders' grievances, especially during the development of the annual forest management plans (AFMP).

The JWG's will play a critical role in the extensive operation that constitutes the preparation of the GFMPs. The Board recommends to the parties to do everything in their power to ensure that the members be well prepared to assume these new responsibilities. We deem that it is as essential that the parties inform the stakeholders who will be involved in this important operation of the numerous modalities provided for in the Cree section and in the FDPO11 (Forest Development and Protection Objective) of the instructions specific to the territory covered by the Agreement. For this purpose, on November 21st 2005, the Board sent an opinion to the Minister regarding the content of the instructions focusing on the two issues and hopes its proposals will be considered in the final version of the instructions sent to the agreement holders.

Finally, you will find enclosed the report of the Board Secretariat on the assessment of the operation of the JWG's, which has been approved by the members of the Board at their last meeting. It sets out thirty-two recommendations aiming at improving the situation. The Board recommends the creation of a Task Force with representatives of both parties and supported by the Secretariat of the Board to develop an action plan, on a fast-track basis, in order to ensure the follow-up of the report and the support required by the members of the JWG's. Upon confirmation by the two parties of the appointment of representatives, the Secretariat will launch the work of the Task Force and will report to you on the results.

Yours truly,

Jean-Pierre Gauthier
Chairman of the Board

Encl.

REPORT ON THE ASSESSMENT
OF THE JOINT WORKING GROUPS OPERATIONS

By the

CREE-QUÉBEC FORESTRY BOARD SECRETARIAT

October 2005

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1. CONTEXT AND OBJECTIVES OF THE EXERCISE

As defined under article 3.30 (d) of the *Agreement concerning a new relationship between le gouvernement du Québec et les Cris du Québec*, one of the main responsibilities entrusted to the Cree-Québec Forestry Board (CQFB) is “to review the implementation mechanisms for the joint working groups (JWG) regarding the elaboration, the consultations and the monitoring of all forest management plans applicable in the territory”.

Over three years after the creation of these joint working groups, the Board has set as one of its action priorities for the year 2005-2006, the assessment of “JWG operation and related implementation mechanisms called for in the Agreement¹.”

At the March 17th, 2005 Board meeting, the members of the Board gave the CQFB Secretariat the mandate to carry out an in-depth assessment of the operation of the JWGs and submit a report recommending, if required, appropriate actions to the Board in October 2005.

The following two specific objectives were then identified:

1. Conduct the assessment of the operating rules and processes implemented by the JWGs and
2. Assess the degree of preparedness of JWG members to assume their responsibilities.

In compliance with the mandate given to the Secretariat, this report presents the analysis of the information gathered among the JWGs.

2. STEPS AND METHODOLOGY

In view of the particularities of each JWG, the necessity of realising the exercise within a rigorous and well-structured framework was agreed upon from the very start. Thus an action plan including the following three distinct steps was defined:

1. Individual meeting with each party of all JWGs;
2. Exchange meeting with the coordinators of both parties;
3. Group meeting with the JWGs in order to validate the Secretariat's analysis and to share views on the recommendations leads.

¹ Cree-Québec Forestry Board – Strategic Plan 2005-2010

Meetings with the JWG's and the coordinators

The interviews held among the JWG's were coordinated and conducted by the CQFB Secretariat, in collaboration with an external consultant and a Cree representative, who participated in some of the meetings. Eight separate meetings were held between May 11 and August 3, 2005.

Each of the meetings followed the same pattern comprising three distinct parts.

First, the objectives and running of the meeting were presented. Participants were then informed that to facilitate the analysis, the detail of the discussions would be noted but would remain confidential. Moreover, it was indicated that for the sake of transparency, a synthesis of the comments of each party of the JWG's would be drawn up and made available.

Once the exercise understood, participants were each invited to fill in a grid presenting different aspects or elements related to the JWG's and to rate them (from 1 to 6) according to their degree of satisfaction, understanding or knowledge for each of the elements presented.

When this part was over, the external consultant then initiated a detailed interview with the participants, based on a comprehensive questionnaire developed by the CQFB Secretariat.

All the individuals designated on the working groups completed the « numbered assessment » questionnaire while 18 out of the 20 JWG members (MRNF 10/10 – Cree 8/10) were met in the course of interviews.

Following the meetings, a preliminary analysis report was drawn up using the various statistics analyses of the numbered assessment questionnaires, parallel to the detailed information of the joint working groups.

In order to validate the analysis presented and discuss the areas of recommendation facing the priority issues identified, two working meetings were held with the JWG coordinators, then with the members of the joint working groups.

Let us mention here that the questionnaires developed as well as the analysis documents and the presentations used during the meetings with the JWG and the coordinators can be obtained from the CQFB Secretariat.

3. GENERAL OBSERVATIONS

3.1. Understanding of the Agreement and of the mandate of the JWG

JWG members consider that the members of the community know very little about the Agreement and its section on forestry. Several tallymen having been involved in the framework of the consultations on the annual plans, some of them know more about the Agreement, understand increasingly the place they should occupy and the role of the working groups, but this knowledge remains partial. Let us mention here that in many cases misconceptions or interpretation related, among other things, to wildlife sectors (25%) can still be observed.

The majority of the JWG members think they have a good understanding of the Agreement and more specifically of chapter 3 on forestry. However, they observe that the understanding of the mandate of the JWGs or the application of the provisions of the Agreement can vary from one party to the other. Even if each of them considers having a good understanding of his or her mandate, several say they are uncomfortable with the details of the Agreement. They deplore not having access to tools or training that would facilitate a better understanding of the Agreement. The exchanges reveal that even if each one attempts to implement the provisions of the Agreement to the best of his or her knowledge, the JWGs are not presently in a position to fully carry out their mandate, and this for a number of reasons.

3.2. Relations between the parties

The implementation of the Agreement calls on numerous exchanges and this, between various groups.

Thus, the exchanges within the joint working groups are, generally speaking, good and positive. From one working group to the other, distinct operation, communication and information exchange modes have been established. The efficiency and application of the procedures agreed upon vary widely. Some groups have regular exchanges, good planning and follow-up on their activities. However, others have trouble communicating and ensuring the follow up of their actions or else communicate very rarely and then only according to the needs identified by the representatives of the government. For all the JWGs, the activities related to the consultations required for the issue of permits for management activities contribute to the core of their operations.

Exchange of experience or expertise is very limited between the 5 groups. The organization of workshops by the JWG coordinators for all JWG members is fostered to facilitate such exchanges. However, even if the pertinence of these meetings is recognized by the JWGs, they meet very few of their needs and expectations in their present form.

The Agreement provides that each group is independent and distinct. Nevertheless, in order to ensure the supervision and coordination of the work of the JWG, each party has designated a JWG coordinator. Even if the status, mandate and role of these individuals has yet to be clearly defined, initiatives have been put forward in order to meet some of the main needs expressed by the JWG. However, in a context where the JWG, which constitute the main implementation mechanism of the Agreement, are experimenting the application of the provisions of a new Agreement, a significant need for supervision and support of the groups is expressed so they can develop coherence in the fulfilment of their mandate.

Regarding the relations with the agreement holders and the tallymen, each group has adopted, as provided for in the Agreement, their own information exchange and consultation processes. Since the setting up of the JWG, different consultation processes have been tried out within various groups. While several articles of the Agreement refer to the establishment of direct relations between agreement holders and tallymen and assign a role of « facilitator » to the JWG, several of the processes presently implemented eliminate any direct exchange between the tallyman and the agreement holder. Presently, the majority of the working groups act as contact between these stakeholders. However, several JWG members question this way of doing things for it increases the number of operations and thus the workload. They are reconsidering the possibility of fostering direct exchanges between the tallyman and the agreement holder.

As for the Cree-Québec Forestry Board, it is little known among the JWG. Several see the Board as the decision-making organisation responsible for the implementation of the Agreement. A better understanding of the mandate of the Board and closer communication between both groups is desired.

3.3. Operation of the JWG

JWG members exert considerable energy in the fulfilment of their mandate. Nevertheless, some JWG must deal with significant operational difficulties related to the availability of their members and this occurs as much on the Québec side as on the Cree side.

The human and financial resources of each JWG were determined according to a joint exercise aiming at assessing the resources required for the implementation of the Agreement, and this for each of the communities involved. Resource allocation was eventually included in an Agreement between the parties and the resources were made available following this agreement.

However, as a matter of fact, a gap does exist at the level of the real allocation and distribution of resources within the JWG. In fact, the majority of individuals designated members of a JWG are also involved in other tasks that are not related to the JWG mandate. The responsibilities vested in the JWG require full availability from its members. The fact that several of them are involved in other activities keeps the JWG from fully fulfilling their mandate.

The stability of the composition of certain groups is somewhat precarious. It is not the case because of the work environment or job conditions but rather due to the non-stability of the jobs as well as the trouble they have to fulfil their mandate in a satisfactory framework. The blur surrounding the supervision of the working groups and the implementation of the provisions of the Agreement weigh heavily on the people who are at the forefront of the implementation of the Agreement. In spite of sometimes difficult contexts, the JWG's display a lot of dynamism and interest in the delivery of their mandate.

The representatives of the ministry coordinate JWG activities and an important part of these activities are related to the various tasks required by the consultations held before the issue of permits.

Consultations are not held the same way for all JWG's but they all tend, within the processes followed, to avoid direct exchange between the agreement holder and the tallyman. As previously mentioned, in several JWG's, the groups have agreed to act as contact between them. Thus, in general, the representatives of the ministry ensure the link with industry representatives and the Cree JWG's coordinate and supervise the meetings with the tallymen, and this sometimes without the presence of a JWG representative of the ministry. In these JWG's where ministry representatives are not in contact with the tallyman and where the Cree representatives have no exchanges with the industry, follow up reports on the consultations are held so that all the members can follow the files.

Each group tries, by taking into consideration the context within each one evolves and the contribution of the coordinators, to fulfil its mandate by ensuring compliance with the provisions of the Agreement. However, since relations are limited between the JWG's, there is some incoherence in the delivery of the Agreement.

3.4. Participation versus consultation

One of the objectives of the adapted forestry regime aims at the participation of the Cree, in the form of consultation, in the various planning and management processes of forest management activities. One of the mandates of the JWG's is to specifically "ensure the implementation of the process relating to the preparation, consultation and monitoring of the forest management plans."

Up to now, no JWG has been involved in the follow up of the plans. As previously mentioned, JWG activities are focused around the tasks related to the consultations of the tallymen before the issue of permits. At this quasi-final stage of the forest planning process, the incorporation of the interests of the tallyman cannot be realised in the same way as if this information had been available during the elaboration of the plan. In such a context, the establishment of harmonization measures is more limited and the outcome of the consultation often becomes more a negotiation of special requests than a participation aiming at harmonizations to better take into account the Cree traditional way of life.

The concern regarding the access to summary maps pertinent to the consultation of the tallyman is noted. However, in certain cases, the consultations remain inefficient since maps that do not include the information or the basic format are used for the consultation of the tallyman.

At the elaboration stage of the plans, a few rare initiatives involving the participation of the tallyman were attempted. However, due to new priorities (e.g.: fire forest file) no concrete result was achieved. The groups that initiated this step pointed out, however, the interest of having orientations regarding the approach to follow and the tools to promote to foster the involvement of the tallyman at the stage of the elaboration of the plans.

3.5. Availability and understanding of the information

The availability of the data or official documents related to the forest activity on the territory does not constitute a problem for the JWGs. The representatives of the government within the JWGs openly share the information they have with the Cree members. However, Cree members regularly face limitations with regard to the use and understanding of said information. The majority of official documents (plans, permits, etc.) being in their original format and language (French) or the Cree lacking the knowledge to ensure good use of the information shared (database), and important part of the basic information required for the fulfilment of their mandate is not used very much by the JWG Cree members. In order to foster a better understanding of the various documents and tools, the JWG members of the ministry are constantly trying to adapt them in a language and format enabling easy use by the Cree.

However, the JWGs as a whole require that the parties take an official and joint position regarding a certain number of elements, which are the very basis of the implementation of the Agreement. Indeed, even if the basic parameters used to calculate the areas on which particular provisions are defined in the Agreement (e.g.. 1 %, 25 %, 40 % of perturbation over the last 20 years, etc.), have been set by the representatives of the MRNF, there is still confusion regarding the recognition and official nature of these bases for calculation.

Likewise, the JWGs call for a joint technical interpretation of the implementation of several articles of the Agreement. Presently, the JWGs call upon their respective coordinator to clear up problems related to the application of certain measures of the Agreement. However, since the interpretation is neither joint nor official, the JWGs remain in a blur where the technical application of these measures is concerned.

3.6. Preparation for the next GFMPs

The Agreement provides that, during the preparation of the general forest management plans, the JWG's co-operate in the consensus building between the tallyman and the agreement holder. The JWG's observe that they are not presently in a position to participate in the preparation of the next plans since their activities are mainly focused on the annual plans.

For the Cree members, the necessity of achieving a better understanding of the overall forest planning process and of the importance of this planning in the long run is quite obvious.

The representatives of the MRNF anticipate that little time will be devoted to this preparation considering the contexts within which the JWG's evolve and the priority granted to the continuity of forest operations and the activities surrounding the issue of permits.

Nevertheless, all mention that the involvement of the tallyman in the elaboration of the management plans could be more significant if, from the very start of the elaboration of the plans, agreement holders could have access to the information on Cree knowledge additional to the 1 and 25 %. Nevertheless, in the same breath, they point out that they do not know how to handle the tallyman participation issue and wish for guidelines and tools that would enable them to support the tallymen in this consensus building with the agreement holders.

4. PRIORITY ISSUES AND AREAS FOR RECOMMENDATIONS

The meetings with the working group members resulted in the gathering of an impressive amount of information ranging from observations common to the five groups to the identification of needs or problems specific to a group or even to a given member.

The analysis realized by the Secretariat led to the identification of five (5) priority issues related to the joint working groups.

These issues are:

1. JWG supervision structure
2. Relations between parties
3. Designation and availability of JWG members
4. JWG operational needs
5. Preparation for the next GFMPs

4.1. JWG supervision structure

The joint working groups are the very basis of the implementation of the Agreement. An important share of the responsibility for its implementation is vested in them. Their supervision appears to be one of the priority issues the parties must address.

As defined by the Agreement, the JWGs are independent from each other. The Agreement defines no global supervision of these groups and no accountability measures. Each group must agree upon its internal mode of operation and when questions or needs arise, each must call on its coordinator or any other source of information for an answer or a solution. While we agree that the groups fulfil their mandates with all their heart and to the best of their knowledge, they however call for better support and supervision from the parties.

Due to the poor links the groups have established between each other and the fact that the mandate of the coordinators designated by the parties has not been defined, we can observe a lack of coherence in the implementation of the Agreement. While recognizing that said implementation may have to be adapted to the local context, some conformity must be ensured among which, for example, the interpretation of the provisions of the Agreement or the implementation of the processes.

Likewise, with regard to the support required in respect with decision-making, conflict management, the technical and training needs expressed, planning or follow-up mechanisms, the parties should ensure that the needs of the JWGs are met.

By designating a coordinator for the JWGs of each of the parties, the authorities have taken a step in the recognition of this need. However, the exercise realized reveals that the supervision structure must be reinforced in order to ensure a coherent implementation of the Agreement and provide adequate support to the JWGs.

In order to do so, the CQFB Secretariat proposes that the parties consider the following recommendation leads:

1. Advise the parties on the necessity to oversee and reinforce the accountability and supervision structure of the JWG mandate delivery in order to ensure a more efficient implementation of the Agreement:
 - Define the mandate, role and responsibilities of the coordinators;
 - Define the accountability relationship between coordinators and JWGs;
 - That the coordinators inform the Board on JWG activities.

4.2. Relations between the parties

Several stakeholders are involved in the implementation of the Agreement. In order to reinforce the relations between these various groups, **the CQFB Secretariat proposes that the parties consider the following recommendation leads:**

At the JWG level

2. That the parties ensure the reinforcement of the supervision of the JWGs by the coordinators;
3. That the coordinators organize JWG workshops to ensure efficient information sharing between the JWGs;
4. That the JWGs share their experience on consultation and that the consultation process or processes be recognized by the parties ;
5. That Faune Québec be integrated in the JWG participation process.

At the tallymen and agreement holders' level

6. That adopted consultation processes be reviewed with the objective of favouring direct discussions between the tallyman and the company representative;
7. That the tallyman and the company be clearly informed regarding the consultation framework (process, objective, rules, operation);
8. That JWGs plan their activities in order to initiate a participation process with tallymen and this, a priori;
9. That the JWGs organize an annual information meeting with companies, tallymen and community members to discuss the (past and future) forest activities on the territory of a community;
10. That the parties organize, in collaboration with the CQFB Secretariat, a forum for all stakeholders involved in the implementation of the Agreement, in the spring of 2006.

At the JWGs and coordinators' level

11. That the technical requests addressed by the JWGs to the coordinators be closely followed (definition of a procedure) and that mechanisms be put in place to ensure that operational needs are met and information shared among JWGs;

At the JWG and CQFB level

12. That the JWGs be invited to participate in certain parts of the Board meetings held in the communities;
13. That once a year, the CQFB Secretariat organizes a meeting with the JWGs (workshop);

4.3. Designation and availability of JWG members

Some groups must deal with operation difficulties due to the non-availability of their members. This problem is very significant for the Cree since some members, designated by the Band Council, are mainly involved in activities related to mandates that have nothing in common to those related to the role of the JWGs.

Within certain groups, the resources made available for JWG operations do not comply with the resource allocation Agreement.

In order to deal with this problem, the CQFB proposes that the parties consider the following recommendation leads:

14. That the Board reiterates to the parties the decisive role of the JWGs in the implementation of the Agreement;
15. That the Board recommends to the parties to respect the agreement related to the resource allocation for the JWGs;
16. That the parties implement a system to follow the allocation and use of the resources dedicated to the JWGs;
17. That the parties examine more closely the situation of the Waswanipi JWG operations.

4.4. JWG operational needs

During the meetings with the members of the working groups, a considerable number of elements aiming at meeting the operational needs of the working groups were mentioned.

One of the points raised is at the very basis of the implementation of the provisions of the Agreement and concerns the officializing, by the parties, of the bases for calculation used to determine the areas that will require special provisions (1%, 25 %, disturbed zones, etc.). While a new exercise on the calculation of allowable cut is in progress and the result of the areas stemming from the bases for calculations constitute first level input for the determination of

the allowable cut of the territory, it is urgent that the parties agree upon and make official these bases for calculation.

The CQFB Secretariat proposes that the parties consider the following recommendation leads:

That the parties

18. Set official parameters to establish statistics (e.g.: 1 % and 25 %, disturbances);
19. Develop a reference document presenting these parameters and make it available through the Reference Centre;
20. Prepare and implement an action plan to make sure that the 1 and 25 % are officially defined by December 2005;
21. Clarify the action plan to adjust the localization of the 1 % in Waswanipi and address the trapline situation with the Algonquin;

Within the framework of their mandate, the JWG's must ensure that the forest management activities on the territory are carried out in compliance with the provisions of the Agreement. However, certain measures still remain unclear with regard to their application. In various occasions and through various means, the JWG's have questioned the way certain measures must be applied. The parties provided precisions, but a joint interpretation of the application of certain measures is still required.

In order to meet the need expressed by the JWG's, the CQFB Secretariat proposes that the parties consider the following recommendation leads:

22. That the parties conduct a structured exercise among the JWG's aiming at identifying the articles requiring a joint interpretation of the measures of the Agreement;
23. Produce an official document of the application of the measures of the Agreement and make it available through the CQFB Reference Centre;

The update of the databases represents a significant and ongoing workload for the ministry. The development and up-to-date maintenance of a database for the whole territory, equipped with applications that automatically calculate the statistics related to the implementation of the Agreement on the territory, would be highly desirable in order to facilitate the establishment of the annual portrait of the traplines.

The CQFB Secretariat thus proposes that the parties consider the following recommendation leads:

24. That the MNRF ensures the development of a common database and specific applications for the territory;
25. That the MRNF defines a procedure and identify the resources for the up-to-date maintenance of this database;
26. That the CRA identifies a representative to participate in the elaboration of this file;
27. That access to this database be facilitated by the CQFB Reference Centre.

Several other recommendations of a more technical nature or related to the development of specific tools or training were also formulated. The members who were interviewed insisted in pointing out that it was not the first time they identified these operational needs and that the elements expressed being related to their mandate, they wished that the parties take the steps required to meet these operational needs.

A list of additional operational needs raised during the meetings with the JWG is set out in appendix 1. Likewise, recommendation leads are also identified.

Let us mention here that the CQFB initiated the development of a Reference Centre. One of the main clientele it wants to reach through this centre are the joint working groups. The CQFB wishes that the Reference Centre be dynamic and constitute an efficient tool that facilitates JWG communication, information sharing and training. It is thus proposed:

28. That the development of the Reference Centre be pursued by the CQFB Secretariat in collaboration with the JWG, that it becomes operational as soon as possible and be used to facilitate the sharing of information between the stakeholders.

4.5. Preparation for future GFPMs

The next submission, in a little over a year and a half, of a new generation of general forest management plans (GFMP) represents a special opportunity to increase Cree participation in the elaboration of GFMPs. Presently, the JWG say they are poorly prepared to ensure an active participation of the stakeholders in the elaboration of the plans. Nevertheless, some JWG say they are ready to reinforce the participation of the tallyman but also wish for guidelines and tools.

In order to increase the level of preparation for the next GFMPs, the CQFB Secretariat proposes that the parties consider the following recommendation leads:

29. That the JWG's be informed of the content of the instructions to be sent to the agreement holders and, more specifically, of the Cree section;
30. That the parties, in collaboration with the CQFB, examine the processes and develop the tools required to ensure that all stakeholders can participate in the elaboration of the GFMPs in the spirit of the Agreement;
31. That the Cree party develops and implements an action plan to enhance the knowledge on Cree concerns, for the territories the next GFMPs will deal with;
32. That the parties identify the performance criteria that the industry should meet with regard to the Forest protection and development objective #11 (FPDO #11) specific to the Crees and that they inform the JWG's;

CONCLUSION

The assessment exercise of the operation of the working groups has enabled us to take stock of the reality in which these groups evolve and record the needs to be met in order to support the JWG's in the fulfilment of their mandate.

These groups play a decisive role in the implementation of the Agreement. They must thus be functional and technically operational. In order to ensure the coherence in the implementation of the Agreement, they must also be supported and supervised by the parties.

The outcome of this exercise is the presentation by the Board Secretariat of several recommendations aiming at meeting the needs that were expressed. The proposed recommendations deal with a wide range of needs going from technical and operational aspects to more political considerations. However, they are all significant in meeting the support expected.

The Board Secretariat considers that the Board should now rule on the proposed recommendations and inform the parties of the results of the exercise as soon as possible.

On a fast-track basis, close follow-up of the development and implementation of an action plan should then be ensured in order to meet the needs and expectations expressed by the working groups.

The JWG's are the stakeholders at the forefront of the implementation of the Agreement. Three years after the signing of the Agreement, they call on the parties for concrete support in the delivery of their mandate.

APPENDIX 1

LIST OF THE OPERATIONAL NEEDS NOT PREVIOUSLY MENTIONED AND AREAS FOR RECOMMENDATIONS:

1. FIREWOOD

- That the parties agree on an action plan to define more precisely the approach for implementing these articles and that it should be done before the distribution of instructions to the agreement holders.

2. CONFLICT MANAGEMENT

- That the parties develop a joint document presenting the approach to be followed by the JWG's and the information needed to document the conflict management process;
- That description of the conflict solving process be available through the CQFB Reference Centre.

3. SILVICULTURAL WORK

- That the parties give a ruling on the necessity of consulting the tallyman, and this before the issue of a permit, for all forest management activities carried out on a given trapline.

4. HARMONIZATION VERSUS SPECIAL REQUEST

- That the subject be discussed at a next JWG meeting so that a common understanding be defined;
- That the JWG role in the treatment of special requests be established;
- That the JWG's be informed of the implementation process of the "Enhancement program";
- That the information regarding said program be available through the CQFB Reference Centre.

5. OFFICIAL MNRF DOCUMENTS

- That the parties identify documents of significance for all JWG's and ensure their adaptation in a language and format enabling easy use by the Cree JWG's;
- That the parties evaluate the pertinence of making this information available through the CQFB Reference Centre.

6. CONSULTATION TOOLS – EASILY UNDERSTANDABLE MATERIAL

- That the JWG's agree on basic parameters and characteristics for a map used during a consultation with the tallyman and that they make sure to meet these specifications.
- That the parties produce easily understandable documents related to the Agreement to be used by the tallyman and the community.

7. TRAINING

- That the parties conduct a systematic assessment exercise of training needs (priority GIS 9.0) and ensure the implementation of an adapted training program;
- That the Reference Centre be used to facilitate the training of the JWG's.

8. EXCHANGE OF INFORMATION BETWEEN JWG's

- That the coordinators specify the rules of the meetings (calendar, agenda, transmission of documents, minutes, follow-up, etc.) and that these be kept to;
- That the CQFB and the JWG's contribute material to the CQFB Reference Centre with the objective of ensuring the sharing of information among the JWG's.