



Québec City, October 15, 2012

Mr. Matthew Coon Come
Grand Chief
Grand Council of the Crees
(Eeyou Istchee)
2 Lakeshore Road
Nemaska, QC J0Y 3B0

Ms. Martine Ouellet
Minister
Ministère des Ressources naturelles
5700, 4^e Avenue Ouest, A 301
Québec, QC G1H 6R1

Subject: Advice to the parties on the governance of the Joint Working Groups of the Adapted forestry regime of the Agreement concerning a new relation between the Gouvernement du Québec and the Crees of Québec

Dear Grand Chief:
Dear Minister:

This advice is presented to the parties in keeping with the Cree-Québec Forestry Board's mandate under section 3.30 (d) of the *Agreement concerning a new relation between the Gouvernement du Québec and the Crees of Québec*, which stipulates that one of its responsibilities is "to review the implementation mechanisms for the Joint Working Groups regarding the elaboration, the consultations and the monitoring of all forest management plans applicable in the Territory". Therefore, the Cree-Québec Forestry Board (CQFB) would like to inform you of the results of its most recent Joint Working Group (JWG) assessment and to share its specific recommendations in order to strengthen the JWGs' potential to fulfil their mandate.

To begin with, the Board wishes to emphasize the positive contribution of both parties' JWG members in implementing the *Agreement's* adapted forestry regime, more specifically in achieving the participative process leading to preparation of forest plans in the territory. JWG members also showed great aptitude for developing relations between the parties, resolving disputes between users of the territory and constantly developing and improving operational tools making it easier to fulfil their mandate.

However, the Board has noted an imbalance in the JWG organizational structure, particularly in terms of supervision, support, and an imbalance in the capacity of Québec

and Cree members to accomplish all of the mandates vested in them, notably where monitoring is concerned.

Problems with supervision and support had also been highlighted in 2005, during a previous assessment of JWG operations. The parties' response at the time—namely creation of the role of JWG coordinators—had a generally positive, but somewhat limited impact because, since then, the mandate defined for the coordinators has only been partially implemented. On one hand, they have been effective in jointly supporting the conflict resolution process when need be. On the other hand, they have tackled their supervision responsibilities separately and have obtained unequal results.

On the Québec side, the JWG coordinator and members are all from the Nord-du-Québec general Direction of the Ministère des Ressources naturelles (MRN). Ultimately, they all have the same supervisor which facilitates the coordination and the transmission of orientations and directions. On the Cree side, JWG member accountability is, first and foremost, to their respective Band Councils while the Cree coordinator is an employee of the Cree Regional Authority (CRA). This situation prevents an efficient coordination and supervision of JWG members.

Since the Board wanted to better understand the problem of the imbalance between JWG members' capacities, especially with regard to technical forestry-related aspects, it interviewed representatives of the parties. It found that the MRN representatives expect the Cree members to make suggestions regarding potential harmonization measures and monitoring to address trappers' concerns. They avoid making such proposals so as not to be seen as overly interventionist, even directional. Obviously, if the Cree members do not bring proactive proposals, the MRN continue to orient its monitoring based primarily on its own priorities and criteria.

This raises the issue of JWG member training. The Board has participated in and contributed to several Cree party initiatives designed to give its members better training for dealing with forestry-related matters. While they were positive, these initiatives generated only partial results. Although it is desirable that the Cree members understand as many forestry-related concepts as possible, in the current context, it is even more important that they act as effective cultural translators to properly support the tallymen so that forestry activities reflect the Cree way of life and land use as best as possible. They must also have the trust of their community's tallymen. This is why the JWGs' local dimension is so crucial. On their side, Québec JWG members pointed out that to be able to better take the Cree way of life into consideration, they would need more training and exposure to the Cree culture.

Here, the Board would like to stress that a better capacity to fulfil a mandate can also result from better support, not simply training. The initial vision for the JWGs was possibly a "joint" model in which each party would contribute its expertise—in the field of Cree culture on one hand and in forest science on the other—in working for a common cause. Experience has shown that the parties have, instead, concentrated on (and wish to continue doing so) a bipartite approach in which each organization must equip its members as best as

possible to allow them to have a genuine impact in the process. At this point in time, we must definitely conclude that this system is to the disadvantage of the Cree party when it comes time to implement the different phases in the forest management plan preparation, consultation and monitoring process.

Consequently, the Board recommends that the parties work to re-establish a balance in the JWG's in terms of supervision, support and development of JWG members' capacities.

Where the Cree party is concerned, the Board feels that the short-term increase in JWG members' potential depends on the authorities' ability to provide them with proper supervision and support.

For the coordinator's actions to be fully effective, it is desirable for the Cree party to re-evaluate significantly JWG Cree members' ties of accountability and the governance structure of JWG's as a whole. Under the current structure, the coordinator cannot ensure suitable supervision in a context where each community's JWG members report to Band Councils or even, to a Band owned forestry company in one case. The coordinator's mandate should go hand in hand with more authority and influence on human, financial and material resource management.

Furthermore, the Crees would notably benefit from greater involvement of their JWG coordinator. In saying this, our intention is not to criticize the individual holding this position but rather the limited time he can devote to his JWG coordination duties due, as we have been given to understand, the many other mandates he must fulfil.

Finally, the Cree JWG members would benefit enormously from getting more support from technical resources (forest engineers, biologists, and other disciplines). The parties' representatives admitted that such support could help develop Cree members' abilities in addition to making them feel more confident in their technical relation with their MRN counterparts in proposing harmonization measures and in monitoring.

Where the Québec party is concerned, the Board would like to point out that, in the spirit of the Paix des Braves, the parties made a commitment to promote the Cree Nation's greater autonomy and greater responsibility. Better organization among the Crees would, no doubt, result in increased participation on their part. In this sense, the MRN and Québec JWG members must remain open to adapting their mechanisms to allow the Crees to play a more active role.

Implementation of the new Québec forest regime offers new opportunities and raises many harmonization challenges. With regard to the implementation mechanism embodied in the JWG's, given the experience acquired and new challenges introduced by new governance on Eeyou Istchee James Bay territory, the Board feels that, for the time being, there is reason to strengthen the existing mechanism, whose effectiveness has been observed to have grown since its creation. The JWG's must remain active in order to ensure a connexion

between tallymen and forestry planners and to provide the cultural translation necessary between stakeholders.

Should you deem it necessary, as Board Chairman, I am available to explain the analysis performed and recommendations formulated in greater detail in the context of a presentation to your respective authorities.

Please be assured of our ongoing concern to improve the *Agreement's* implementation mechanisms and of our fullest cooperation in this regard.

Sincerely,

The Chairman of the Board


Albin Tremblay