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Cree-Québec Forest Board

10 years out



What is the Cree-Québec Forestry Board?



Conseil Cris-Québec sur la foresterie

Cree-Québec Forestry Board

Δηλαδή, dV^b είναι L^2 και $\nabla \cdot b \sigma \Delta \tau^b$



Mission/Mandate

In the perspective of sustainable development, while taking account of the Cree traditional lifestyle and ensuring Cree participation in the different procedures of forest management, the Board's mission is to:

analyze, oversee and evaluate the implementation of the forestry objectives set out in the Paix des Braves Agreement...

The Paix des Braves

Securing a better future for new generations

A PROFITABLE AGREEMENT

The Paix des Braves allows us to confidently envisage the economic development of the James Bay Territory for a common future of prosperity and cooperation.

HYDROELECTRIC DEVELOPMENT

- Two large-scale hydroelectric developments: Eastmain-1 and Eastmain-1-A/Rupert.
- \$4 billion in total investments.
- Creation of 10,500 direct jobs (person-years) during a nine-year period.
- Addition of approximately 1,200 megawatts to the Hydro-Québec network: 15% increase in electricity production on the James Bay territory.

MINING DEVELOPMENT

Whereas the mineral exploration field is experiencing a period of intense activity in the region, the creation of the Mineral Exploration Board will enable the Crees to be involved and participate fully in the development of this sector.

FORESTRY DEVELOPMENT

- Strategic framework agreement ensuring access to a vast territory representing close to 10 percent of Québec's forestry capacity.
- Adaptation of Québec's forestry regime to the traditional way of life of the Crees with a view to ensure sustainable development and the participation of the Crees.
- Elements seeking to ensure greater participation by the Crees in the development of the territory, in particular in the employment field.

GENERAL FINANCIAL PROVISIONS

Payment by Québec of the following amounts:

- in 2002-2003: \$23 million;
- in 2003-2004: \$46 million;
- in 2004-2005: \$70 million;
- from 2005 to 2052: \$70 million yearly, or this amount indexed according to the potential to be developed on the territory in the hydroelectric, forestry and mining fields.



An historic agreement

On February 7, 2002, Québec and the Crees signed a comprehensive fifty-year political and economic agreement. This historic agreement, known as *the Paix des Braves (Peace of the Brave)*, marks a new era in relations between Québec and the Crees.



With this agreement, we are invited to take up together a major collective challenge that, in several respects, honours us as nations.

*Bernard Landry,
Prime Minister of Québec*

PRINCIPLES OF THE AGREEMENT

- A nation-to-nation relationship.
- A new partnership based on cooperation, trust and mutual respect seeking to ensure the full development of the territory.
- Greater autonomy and more responsibility, on the part of the Crees, for their economic and community development.
- Respect for the principles of sustainable development and for the traditional way of life of the Crees.

Territory

- Total area = 66 036 km²
- Forest production area = 34 661 km²
- 121 traplines
- 15 Forest management units (FMU)

Nord-du-Québec

Cree population (Eeyou Istchee) = 14 955 pers.
Non-Cree population (Jamesian) = 14 871 pers.

- ± 10% of Québec's allowable cut
- 7 Forest Companies (1 Cree) =
 - 10 sawmills
 - 4 panel, pulp and paper and post mills

Considerable hunting and fishing activities



Key Aspects of the Adapted Forestry Regime



- The Paix des Braves Agreement establishes a special “Adapted Forestry Regime” to allow the Crees greater participation in forestry
- Establishes measures to guide forestry operations spatially and temporally on a trapline basis
 - ✧ Maintain Forest Cover—40% 20 year rule
 - ✧ Mosaic harvesting target of 75% over entire territory
 - ✧ Maximum harvest block of 100 ha with 40% of block less than 50 ha
 - ✧ Sliding scale on total harvest amounts each year per trapline
 - ✧ Modalities for watercourse protection
- Provides Crees with 350,000 m³ of timber annually

Two implementation mechanisms



THE JOINT WORKING GROUPS



THE CREE-QUÉBEC FORESTRY BOARD



The Joint Working Groups



- Working groups comprised of 2-3 Cree and MNR members per community
- Field level implementation, Chapter 3 provisions
- Facilitate cooperation and consultation between the agreement holders and the tallymen (trapline boss)
- Provide input on forest management plans or seek conflict resolution
- Joint monitoring??

The Cree-Québec Forestry Board

- Advisory organization overseeing the implementation of the Adapted Forestry Regime
- Composed of
 - five members appointed by the Crees
 - five members appointed by Québec
 - 1 chairman appointed by Québec after consultation with the Crees
- Holds quarterly meetings (at minimum)
- Annual Budget \$400K (50/50)
- Supported by a Secretariat



Mandate of the CQFB



- Monitor, analyze and assess the implementation of Chapter 3 (Forestry) of the Agreement
- Make recommendations to the parties on adjustments or modifications to the adapted forestry regime
- Advise the MNR Minister on any amendment to laws, regulations, instructions, programs related to the adapted forestry regime
- Review General Forest Management Plans and make recommendations to Minister
- Oversee and advise on implementation of Agreement provisions by the Joint Working Groups
- Any other mandate assigned by the parties—caribou committee/negotiations

Assessment of the Cree-Québec Forestry Board: 10 years out

The Good

- The Board has successfully managed to fulfill its role with respect to providing timely advice to the Minister on:
 - ✧ General Forest Management Plans (2 successful 5 year planning cycles plus numerous plan modifications)
 - ✧ Breaches to processes or provisions within the Agreement
 - ✧ Most recent example is the MNR failure to respect the Crees right to a conflict conciliation process under the Agreement
 - ✧ New laws and policies

Assessment of the Cree-Québec Forestry Board: 10 years out

The Good

- Majority of Agreement's provisions implemented—reminding the Minister of lapses or missed deadlines (MNR's 5 year monitoring report that came out after 8 years)
- Board has also assisted numerous times in resolving conflicts between the Tallymen and the forestry companies at the Joint Working Group level
- Cree Board members now regularly make quorum requirements
- Good mix of MNR representatives (Municipal, industry and academia)
- Board Secretariat well run and staffed by excellent dedicated people

Assessment of the Cree-Québec Forestry Board: 10 years out

The Bad

➤ Crises Management

- ✧ Addressing each new implementation issue as a “crisis” or political challenge to each parties’ overall positions
- ✧ Parties not willing to take ownership of mistakes and move on

➤ Constant Change

- ✧ Regular amendments to forest laws challenge Adapted Forestry Regime in subtle and major ways
- ✧ One sided “evolution”
- ✧ Little time for both Crees and MNR to learn provisions of the Regime and use them to their maximum benefit
- ✧ High turn over in Joint Working Group members makes training difficult

Assessment of the Cree-Québec Forestry Board: 10 years out

The Bad

➤ Rigid System

- ✧ Fixed modalities of the Paix des Braves Agreement leave little room for creative thinking
- ✧ Little room for user influence on management

➤ Stressed AAC

- ✧ Past over capacity of industry in region stresses AAC
- ✧ Limited options for sustainable management

Assessment of the Cree-Québec Forestry Board: 10 years out

The Ugly

- Regionalization of bureaucracy
 - ✧ Authority for implementation transferred from central MRN232019 office in Québec, to regional office (“Nation to Region”)
 - ✧ Hardline on implementation
 - ✧ Erosion in respect for Agreement provisions
- Acrimony
 - ✧ Board has become a place of conflict management
 - ✧ Neutral Chair is in an awkward position when forced to take positions on implementation problems
 - ✧ MNR no longer trusts or believes in the Board—views it as unproductive

Assessment of the Cree-Québec Forestry Board: 10 years out

The Current State of Affairs

- The Board has not been successful in assisting the parties to bring evolution to the provisions of the Agreement
 - ✧ No field level analysis on the effectiveness of the Agreement's modalities—riparian and watercourse modalities, mosaic harvesting, measures for Cree areas of wildlife interest (25% zones)
 - ✧ Very little analysis on forestry measures outside of the Agreement—impact of roads on wildlife and access issues, 20 metre riparian buffers
- The MNR has taken a very literal interpretation of the Board's mandate
 - ✧ *'that is not mentioned in the Agreement'*
 - ✧ Woodland Caribou, FSC Boreal Standards
 - ✧ Constrains thinking “outside of the box”

Assessment of the Cree-Québec Forestry Board: 10 years out

The Current State of Affairs

- Erosion in the respect for the Board
 - ✧ Despite provisions to the contrary, the Minister, on occasion, does not respond to the Board's recommendations or appoints his Associate Deputy to formally respond
 - ✧ Advice often not acted upon

- The Board has lost its positive energy

The Future For the Cree-Québec Forestry Board

- New Sustainable Forest Development Act and Governance Agreement with the Crees
 - ✧ Québec's new forest law and governance agreement with the Crees transfers forest management planning to the Government and the Crees
 - ✧ Challenge for MNR and Cree Board representatives to comment on their own plans
 - ✧ The Crees and Québec must come to a new agreement on the role for the Board
 - ✧ The Board members must not be tied directly to the operational planning
 - ✧ The Board should attempt to become more involved in research and less involved in day to day problems—however this will require renewed trust by the parties

Conclusions

- Despite the challenges that the Board faces, the Adapted Forestry Regime has had a positive results for the Crees
- For example, the AAC has been reduced by nearly half since the Agreement was signed (5 million cubic metres per year to 2.5 million)
- The 40% 20 year rule has effectively prevented Cree traplines from being completely logged as in the past
- Since the implementation of mosaic harvesting, the moose population, whose numbers were on steep decline, has bounced back
- Cree tallymen now have an active role in forest management
- Perhaps these successes and Board's role in them explain the current state of affairs...

Thank you

